

# Wetlands Applications Decision Report

Decisions Taken  
02/24/2020 to 03/01/2020

3/4/20  
Approved  
MAT

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

Any party aggrieved by a decision may file an appeal within 30 days of the date of this decision as specified in RSA 482-A:10, RSA 21-O:14, and the rules adopted by the Wetlands Council, Env-WtC 100-200.

The appeal must be filed directly with the Council, c/o the Council Appeals Clerk, who may be contacted at (603) 271-6072 or [atappeals@des.nh.gov](mailto:atappeals@des.nh.gov). The notice of appeal must set forth fully every ground upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal can be considered by the council.

**MAJOR IMPACT PROJECT**

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**2014-02576**

**SURRY, TOWN OF**

**SURRY**

**Requested Action:**

Request permit time extension to dredge and fill 400 sq. ft.(including 28 lin. ft.) of stream bed and banks (Unnamed Brook) to replace the existing 4 ft. diameter culvert with a 13 ft. span x 8 ft. rise open bottom box-culvert beneath Pond Road.

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**APPROVE TIME EXTENSION**

Dredge and fill 400 sq. ft.(including 28 lin. ft.) of stream bed and banks (Unnamed Brook) to replace the existing 4 ft. diameter culvert with a 13 ft. span x 8 ft. rise open bottom box-culvert beneath Pond Road.

**With Conditions:**

1. All work shall be in accordance with plans by Graz Engineering, LLC dated February 21, 2014, as received by the DES on February 18, 2015.
2. The Town shall obtain temporary construction easements or written agreements from affected landowners with work in jurisdiction on their property or within 20 feet of their property. Copies shall be supplied to DES Wetlands Bureau File No. 2014-02576 prior to construction.
3. The Town shall obtain a license from The New England District Army Corps of Engineers for any work required on Map 31/Lot 103 per letter dated June 18, 2014.
4. Work within the stream shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. The final surface of the stream channel bed shall be restored at natural grade using cobblestone, river stone, peastone, and medium sand per plan Culvert Stream Channel Detail dated February 21, 2014.
9. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
13. Faulty equipment shall be repaired prior to entering jurisdictional areas.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
16. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project.
17. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
19. Any further alteration of areas on the properties that are within the jurisdiction of the DES Wetlands Bureau will require further permitting by the Bureau.

With Findings:

1. The owner, authorized agent or applicant certifies that this permit qualifies for a permit extension in accordance with RSA 482-A:3, XIV-a, and Env-Wt 502.01.
2. This permit has been extended in accordance with RSA 482-A:3, XIV-a and Env-Wt 502.01.

2015-00590

**MARANGIELLO, DONATO**

**ALTON LAKE WINNIPESAUKEE**

Requested Action:

The permit was originally issued to Leslie H. Fabian, and will be transferred to the new owner of the subject property, Donato Marangiello. The project was previously approved by the Governor and Council on June 24, 2015, Item # 146.

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Conservation Commission/Staff Comments:

3/19/15 Con Com requests action be suspended action for 40 days or until receiving a written report.  
4/13/15 Con. Com. has no objection.  
7-7-15- No historic properties affected per DHR.

APPROVE NAME CHANGE

Fill 760 sq. ft. of lakebed to construct 44 linear ft. of breakwater, in an "slight dogleg" configuration leaving a 6 ft. gap at the shoreline, construct a 6 ft. x 47 ft. cantilevered pier connected to a 6 ft. x 35 ft. piling pier by a 6 ft. 12 ft. walkway in a "U" configuration accessed by a 6 ft. x 6 ft. walkway, and drive 2 tie-off piles for the easterly slip on an average of 102 ft. of frontage on Rattlesnake Island, on Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated January 23, 2015, as received by the Department on March 16, 2015.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.

3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
7. The breakwater shall not exceed 3 feet in height(Elev. 507.32) over the normal high water line(Elev. 504.32).
8. The width as measured at the top of the breakwater(Elev. 507.32) shall not exceed 3 feet.
9. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
10. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
11. The minimum spacing for pile bents shall be 12 feet as measured center pile to center pile.
12. All activities shall be in accordance with the Shoreland Water Quality Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02 (b).
- Send to Governor and Executive Council-

2019-02206

PORTSMOUTH, CITY OF

**PORTSMOUTH**

Requested Action:

Dredge and fill 11,172 square feet of palustrine forested, scrub-shrub and unconsolidated bottom wetlands, including 8,014 square feet of municipally-designated prime wetlands, plus 10,211 square feet of duly-established prime wetland buffer. In addition, temporarily impact 6,819 square feet of palustrine forested, scrub-shrub and unconsolidated bottom wetlands, including 4,478 square feet of municipally-designated prime wetlands, plus 51,320 square feet of duly-established prime wetland buffer. Compensatory mitigation includes a Declaration of Restrictive Covenants for Conservation Purposes to legally protect a 34.54-acre parcel adjacent to Great Bog (a municipally designated Prime Wetland) and will function to protect water quality for Pickering Brook, which flows into Great Bay.

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**APPROVE PERMIT**

Dredge and fill 11,172 square feet of palustrine forested, scrub-shrub and unconsolidated bottom wetlands, including 8,014 square feet of municipally-designated prime wetlands, plus 10,211 square feet of duly-established prime wetland buffer. In addition, temporarily impact 6,819 square feet of palustrine forested, scrub-shrub and unconsolidated bottom wetlands, including 4,478 square feet of municipally-designated prime wetlands, plus 51,320 square feet of duly-established prime wetland buffer. Compensatory mitigation includes a Declaration of Restrictive Covenants for Conservation Purposes to legally protect a 34.54-acre parcel adjacent to Great Bog (a municipally designated Prime Wetland) and will function to protect water

quality for Pickering Brook, which flows into Great Bay.

With Conditions:

1. All work shall be in accordance with plans by TEC, Inc. dated February 06, 2017, revised through October 31, 2019, last received by the New Hampshire Department of Environmental Services (NHDES) on February 03, 2020.
2. This permit does not authorize encroachment onto an abutter's property unless, prior to starting work, the permittee has (1) obtained temporary construction easements or other written agreements from the owner of the abutting property, and (2) submitted a copy of each agreement to the NHDES Wetlands Bureau.
3. Prior to the start of construction, in coordination with the New Hampshire Natural Heritage Bureau, the permittee shall confirm the identity of the population of rare plant species in the vicinity of the project. Pending the results of field-confirmation, additional coordination may be necessary to mitigate potential impacts to this population.
4. Work shall be conducted during annual low flow conditions and in the dry only. No excavation shall be done in flowing water. No construction equipment shall be operated in flowing water.
5. This permit is not valid until the permittee or permittee's contractors submit a detailed dewatering and diversion plan to NHDES for review and written approval. The plan shall include all proposed cofferdams, diversion and dewatering strategies, estimated maximum flow to be diverted, site stabilization provisions if capacity of diversion is exceeded, and measures to reduce turbidity. This plan shall be stamped by a licensed Professional Engineer (PE), in accordance with New Hampshire Administrative Rule Env-Wt 303.04(l).
6. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Bureau (Stefanie.Giallongo@des.nh.gov) and the local conservation commission in writing of the date on which work under this permit is expected to start.
7. Prior to construction, all wetland and surface water boundaries adjacent to construction areas shall be clearly marked to prevent unintentional encroachment on adjacent wetlands and surface waters.
8. The channel at the culvert inlet(s) and outlet(s) must maintain or improve the natural hydrology and not impede or accelerate flow.
9. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and New Hampshire Administrative Rules Env-Wq 1400 during and after construction.
10. All work shall be conducted in dry conditions and in a manner that will not cause or contribute to any violations of surface water quality standards in RSA 485-A or New Hampshire Administrative Rules Env-Wq 1700.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.
12. Dredged materials, whether to be stockpiled or disposed of, shall be dewatered in sedimentation basins lined with siltation and erosion controls, and located outside of wetland areas.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.
14. To prevent the introduction or export of invasive plant species to or from the site, the permittee's contractor(s) shall clean all soils and vegetation from equipment and timber matting before it is moved to and from the site.
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.
16. Where construction activities occur between November 30 and May 1, all exposed soil areas shall be stabilized within 1 day of establishing the grade that is final or that otherwise will exist for more than 5 days. Stabilization shall include placing 3-inches of base course gravels, or loaming and mulching with tack or netting and pinning on slopes steeper than 3:1.

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17. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
18. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
19. The Contractor responsible for completion of the work shall utilize techniques described in the NH Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
20. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
21. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
22. MONITORING:
  22. A certified wetland scientist or qualified professional shall monitor the project during construction to ensure that the work is conducted in accordance with the approved plans.
  23. The permittee shall notify the NHDES Wetlands Bureau (Stefanie.Giallongo@des.nh.gov), in writing, of the certified wetland scientist or qualified professional retained. The permittee shall re-notify the NHDES Wetlands Bureau if the identity of the qualified professional changes during the project.
  24. The qualified professional shall inspect the construction areas and submit a monitoring report to NHDES Wetlands Bureau after any rain event of 1/2 inch or greater, within a 24-hour period, during construction.
  25. Wet weather monitoring report(s) shall be submitted within 1 week of the rain event and shall include, but not be limited to, documentation of erosion control deployment, status of construction activities, sequence at time of monitoring, remedies enacted to correct deficiencies in water quality protection measures.
  26. A follow-up report including photographs of all stages of construction shall be submitted to the NHDES Wetlands Bureau (Stefanie.Giallongo@des.nh.gov) within 60 days of final site stabilization.
  27. The certified wetlands scientist or qualified professional monitoring the project shall submit annual reports by January 30th following each of two full growing seasons, post-construction, to the NHDES Wetlands Bureau (Stefanie.Giallongo@des.nh.gov).
  28. The permittee or permittee's contractor shall properly construct, and monitor the restoration of impact areas, and shall take such remedial actions as may be necessary to restore areas to pre-existing function and condition.
30. MITIGATION:
  29. This approval is not valid until the applicant/owner executes and records the conservation deed for the 34.54-acres, as depicted on plans prepared by Civilworks, dated November 19, 2014 and received by NHDES on February 03, 2020.
  30. Following permit issuance and prior to recording of the conservation deed, the natural resources existing on the conservation parcel shall not be removed, disturbed, or altered without prior written approval of NHDES.
  31. The conservation restrictions to be placed on the preservation areas shall be written to run with the land, and both existing and all future property owners shall be subject to the restrictions.
  32. The plan noting the conservation area with a copy of the final deed language shall be recorded with the Rockingham Registry of Deeds for each lot that is subject to the restrictions. The permittee shall submit a copy of the recording from the Rockingham County Registry of Deeds to the NHDES Wetlands Bureau prior to the start of construction.

33. The conservation area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction. If this survey determines the parcel is less than the size represented in the application, the permittee shall submit the completed survey to NHDES for review. As a result of this review, NHDES may require additional mitigation adjustments after coordination with the appropriate conservation commission, and state and federal agencies.
34. The permittee/permittee's contractor shall notify the NHDES Wetlands Bureau when the monuments are placed, and coordinate an on-site review of their location prior to construction.
35. There shall be no placement of fill, construction of structures, or storage of vehicles or hazardous materials on the conservation parcel.
36. Activities in contravention of the conservation deed shall be deemed to be a violation of RSA 482-A, and shall be subject to enforcement under RSA 482-A.

With Findings:

1. This is a Major Project per New Hampshire Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to municipally-designated prime wetlands.
2. The project is located within and adjacent to the City of Portsmouth's municipally-designated Prime Wetland number 003A ("Great Bog"). Great Bog is characterized as a 573-acre southern New England seepage Marsh, functioning to protect water quality for Pickering Brook, which flows into Great Bay.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per New Hampshire Administrative Rule Env-Wt 302.03.
4. The existing conditions of the road and multiple cross-culverts provide poor drainage conditions. This project includes replacement of three existing crossings, which will improve drainage, hydraulic connectivity and minimize flooding in this area.
5. The applicant has demonstrated by plan and example that each factor listed in New Hampshire Administrative Rule Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
6. Pre-application meetings and discussions were held between the applicant and regulatory agencies on June 21, 2016 and February 15, 2017. Meeting notes are available in the NHDES file 2019-02206.
7. In correspondence dated April 16, 2019, the Portsmouth Conservation Commission expressed support of the project.
8. The Natural Heritage Bureau (NHB) report submitted with the application package (NHB18-1635) indicates the presence of threatened and endangered plant species, plus the presence of exemplary natural communities, located within the vicinity of the project.
9. In correspondence dated November 01, 2019, NHB generally concurred with the project's avoidance, minimization and mitigation measures. Further though, since the rare plant survey results were inconclusive, NHB recommends confirming the identity of the subject plant species prior to the start of construction. Additional mitigation measures may be necessary depending on the result of the confirmation.
10. This permit is conditioned upon obtaining appropriate authorization from the owner(s) of abutting properties for work will encroach outside of the established right of way.
11. No comments of concern were received by NHDES from abutters or local governing organizations.
12. In correspondence from the NH Division of Historical Resources (NHDHR), dated April 17, 2017, it was determined that no historic properties would be affected by the project, as proposed.
13. In accordance with RSA 428-A:8, NHDES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

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14. Compensatory mitigation includes a Declaration of Restrictive Covenants for Conservation Purposes to legally protect a 34.54-acre parcel adjacent to Great Bog (a municipally designated Prime Wetland) and will function to protect water quality for Pickering Brook, which flows into Great Bay.

2019-02606

KATHERINE JOHNSON LIVING TRUST

**MOULTONBOROUGH LAKE WINNIPESAUKEE**

**Requested Action:**

Remove an existing 4 foot x 39 foot piling pier and associated breakwater, place 180 cubic yards of stone on 730 square feet of lakebed to construct a new 44 foot breakwater with a 6 foot gap at the shoreline, construct a 6 foot x 42 foot cantilevered pier accessed by a 6 foot x 37 foot wharf with two 6 foot x 32 piling piers, install three permanent boat lifts, two seasonal personal watercraft lifts, and two 14 foot x 32 foot seasonal canopies on an average of 169 feet of frontage along Lake Winnepesaukee on Long Island in Moultonborough.

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**APPROVE PERMIT**

Remove an existing 4 foot x 39 foot piling pier and associated breakwater, place 180 cubic yards of stone on 730 square feet of lakebed to construct a new 44 foot breakwater with a 6 foot gap at the shoreline, construct a 6 foot x 42 foot cantilevered pier accessed by a 6 foot x 37 foot wharf with two 6 foot x 32 piling piers, install three permanent boat lifts, two seasonal personal watercraft lifts, and two 14 foot x 32 foot seasonal canopies on an average of 169 feet of frontage along Lake Winnepesaukee on Long Island in Moultonborough.

**With Conditions:**

1. All work shall be in accordance with revised plans by Diversified Marine Construction revision dated February 19, 2020 and received by the NH Department of Environmental Services (NHDES) on February 20, 2020.
2. This permit is not valid and effective until it has been recorded with the appropriate county Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the NHDES Wetlands Bureau by certified mail, return receipt requested.
3. Work authorized shall be carried out such that there are no discharges in or to spawning or nursery areas during spawning seasons. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.
4. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
5. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and NH Code of Administrative Rules Env-Wq 1400 during and after construction.
6. This permit does not authorize the removal of vegetation from areas within the protected shorelands.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
9. All material from the pre-existing breakwater to be removed, not utilized in the construction of the new breakwater, and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.



10. No portion of breakwater as measured at normal full lake (Elev. 504.32) shall extend more than 50 feet from normal full lake shoreline.
11. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
12. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
13. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
14. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
15. Only those structures shown on the approved plans shall be installed or constructed along this frontage. All portions of the structures, including the breakwater toe of slope, shall be at least 20 feet from the abutting property lines or the imaginary extension of those lines into the water.
16. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Pilings shall be spaced a minimum of 12 feet apart as measured piling center to piling center.
18. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season.
19. The canopy, including the support frame and cover, shall be designed and constructed to be readily removed at the end of the boating season and the flexible canopy shall be removed for the non-boating season.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), construction of breakwater in public waters.
  2. The breakwater as designed meets the criteria of Rule Env-Wt 402.07, Breakwaters.
  3. The applicant has provided documentation of the existing water depths along the frontage.
  4. Field inspection of the site by the NHDES staff on February 5, 2020, further documented the water depth and shorelines conditions along the frontage.
  5. The property has an average of 169 feet of shoreline frontage along Lake Winnepesaukee.
  6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
  7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
  8. The NHDES finds that because the project is not of significant public interest and will not significantly impair the resources of Lake Winnepesaukee a public hearing under RSA 482-A:8 is not required.
  9. This application was received prior to December 15, 2019 and was therefore reviewed for compliance with the previous version of the Wetlands Code of Administrative Rules Chapters Env-Wt 100 - 900.
- Send to Governor and Executive Council-

2019-03100

PALMER, MICHAEL  
KULICH-VAMVAKAS, CHRISTINA  
MARTIN, PAUL

TWIN MOUNTAIN AMMONOOSUC RIVER

Requested Action:

02/24/2020 to 03/01/2020

Dredge and fill approximately 1,500 square feet (SF) within the bed and banks of the Ammonoosuc River (Tier 3, impacting 300 linear feet (LF)) to arrest bank erosion that is threatening a residence. The project proposes bank stabilization using treetops/rootwads cabled to 4 foot boulders below a stabilized riparian bank. In addition, temporarily impact approximately 4,500 SF within the bed and banks of the Ammonoosuc River (impacting 300 LF) to support construction activities.

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Conservation Commission/Staff Comments:

Major project based on 300 LF bank impact, but exempt from compensatory mitigation under Env-Wt 302.03(c)(2)c.  
No ConComm comments by 11/19/2019.

APPROVE PERMIT

Dredge and fill approximately 1,500 square feet (SF) within the bed and banks of the Ammonoosuc River (Tier 3, impacting 300 linear feet (LF)) to arrest bank erosion that is threatening a residence. The project proposes bank stabilization using treetops/rootwads cabled to 4 foot boulders below a stabilized riparian bank. In addition, temporarily impact approximately 4,500 SF within the bed and banks of the Ammonoosuc River (impacting 300 LF) to support construction activities.

With Conditions:

1. All work shall be in accordance with plans by Field Geology Services as received electronically by the NHDES on February 26, 2020.
2. A Certified Wetlands Scientist or Qualified Professional, as applicable, shall monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur. A follow-up report including photographs of all stages of construction shall be submitted to the NHDES Wetlands Program within 60 days of final site stabilization.
3. Work within the stream, inclusive of work associated with installation of a turbidity curtain, shall be done during periods of low flow only. The permittee shall monitor local weather forecasts to avoid working during or following precipitation events. All in-stream work shall be conducted in a manner that will not cause or contribute to any violations of surface water quality standards in RSA 485-A or NH Code Admin. Rules Env-Wq 1700.
4. Work authorized shall be carried out such that there are no discharges in or to spawning or nursery areas during spawning seasons, which occur between September 15th to October 15th. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.
5. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and New Hampshire Code of Administrative Rules Env-Wq 1400 during and after construction.
6. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
7. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized. Erosion control products shall be installed per manufacturers recommended specifications.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
9. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A.
10. Extreme precautions shall be taken within riparian areas to prevent unnecessary removal of vegetation during construction. Areas cleared of vegetation must be revegetated with like native species within three days of the completion of the disturbance.
11. Mulch used within the bank stabilization area shall be natural straw or equivalent non-toxic, non-seed-bearing organic

material.

12. Native material removed from the riverbed/bank during bank stabilization shall be stockpiled separately and reused to rebuild the stabilized bank. Any new materials used must be as similar to the natural river/bank substrate as practicable and shall not include any angular rock.

13. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.

14. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.

15. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.

16. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.

17. Dredged materials, whether to be stockpiled or disposed of, shall be dewatered in sedimentation basins lined with siltation and erosion controls, and located outside of areas subject to RSA 482-A jurisdiction.

18. The temporary turbidity curtain shall be entirely removed within 2 days after work within the turbidity curtain is completed and water has returned to normal clarity.

19. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species such as Purple Loosestrife, Knotweed, or Common Reed. The contractor responsible for work shall appropriately address invasive species in accordance with the NH Department of Transportation Best Management Practices for Roadside Invasive Plants (2008).

20. To prevent the introduction of invasive plant species to the site, the permittee's contractor(s) shall clean all soils and vegetation from construction equipment and matting before such equipment is moved to the site. Restoration shall not be considered successful if sites are invaded by nuisance species during the first full growing season following the completion of construction. The permittee shall submit a remediation plan to NHDES that proposes measures to be taken to eradicate nuisance species.

21. The permittee or permittee's contractor shall properly construct, landscape, and monitor the construction area, and shall take such remedial actions as may be necessary to create functioning wetland areas. Remedial measures may include replanting, relocating plantings, removal of invasive species and/or changing soil composition and depth.

22. Only native plant species shall be used to revegetate the riverbank.

23. The riverbank and buffer plantings shall have at least 75% successful establishment after two (2) growing seasons. If it does not, it shall be replanted and re-established in a manner satisfactory to NHDES.

24. A post-construction report, prepared by a Certified Wetland Scientist or Qualified Professional, as applicable, documenting status of the project area and restored jurisdictional area or buffer, including photographs, shall be submitted to the NHDES Wetlands Program. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each restoration site.

25. The permittee or permittee's contractor shall properly construct, landscape, and monitor the construction area, and shall take such remedial actions as may be necessary to create functioning wetland areas. Remedial measures may include replanting, relocating plantings, removal of invasive species and/or changing soil composition and depth.

**With Findings:**

1. This is a Major Project per NH Administrative Rule Env-Wt 303.02(i), as the project disturbs more than 200 LF of a perennial stream channel and its bank.

2. The purpose for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01 as it will stabilize

the river bank in order to protect residential infrastructure.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03 as they will only impact a critical portion of the affected river bank, and the project utilizes natural wood which is consistent with what would have been present at the site prior to European settlement. The project has been redesigned to replace proposed rip-rap with vegetated riparian plantings.

4. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

5. Compensatory mitigation is not required for this project per Rule Env-Wt 302.03(c)(2)c, as it involves only bank stabilization to protect existing infrastructure, as well as Rule Env-Wt 302.03(c)(2)d, as it includes bank stabilization that exclusively incorporates bioengineering methods.

6. The removal of trees that are currently stabilizing banks or slopes will be minimized to the extent possible.

7. In a review letter dated June 14, 2019, the NH Natural Heritage Bureau stated that there are no records of sensitive species in the vicinity of the proposed project.

8. According to the NH Department of Fish and Game database, the Ammonoosuc River is a predictive coldwater fishery.

9. The NH Division of Historical Resources (DHR) stated on September 4, 2019 that no historic properties will be affected by the project.

10. The Carroll/Twin Mountain Conservation Commission and Ammonoosuc River Local Advisory Committee did not provide comments on the project.

11. On October 24, 2019, Diane McDonough, a downstream abutter to the project contacted NHDES regarding her concerns about the project. On November 20, 2019, Ms. McDonough submitted a letter to NHDES expressing concerns regarding the reflection of stream energy that may result from the proposed project, as well as the earlier bank stabilization performed immediately upstream of the proposed project.

12. Pursuant to Rule Env-Wt 302.04(a)(15), which requires NHDES to consider "the extent to which a project that is located in surface waters reflects or redirects current or wave energy which might cause damage or hazards"; NHDES requested that the rip-rap proposed initially be replaced with vegetative material, which the applicant consented to with a revised design.

2019-03574

CITY OF CONCORD

## CONCORD BELA BROOK

### Requested Action:

Dredge and fill 2,466 square feet within the bed and banks of Bela Brook (Tier 3, impacting 113 linear feet) and palustrine forested wetlands to replace the Hooksett Turnpike Bridge, a 14 foot wide, 24 foot long clear span bridge, with a 42 foot wide, 33 foot long clear span bridge. Temporarily impact 565 square feet within the bed of Bela Brook (impacting 38 linear feet) for dewatering and construction access. Restore 713 square feet within Bela Brook to remove backfill associated with the existing culvert.

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### APPROVE PERMIT

Dredge and fill 2,466 square feet within the bed and banks of Bela Brook (Tier 3, impacting 113 linear feet) and palustrine forested wetlands to replace the Hooksett Turnpike Bridge, a 14 foot wide, 24 foot long clear span bridge, with a 42 foot wide, 33 foot long clear span bridge. Temporarily impact 565 square feet within the bed of Bela Brook (impacting 38 linear feet) for dewatering and construction access. Restore 713 square feet within Bela Brook to remove backfill associated with the existing culvert.

With Conditions:

1. All work shall be in accordance with the plan set titled, "Hooksett Turnpike Bridge Replacement Over Bela Brook (NHDOT Br. 200/015)" by VHB dated December 20, 2019 as revised January 2020 and received by NHDES on January 28, 2020.
2. This permit is contingent on review and approval, by the NHDES Wetlands Program of a final dewatering plan that shall detail the timing and method of flow diversion during construction and temporary siltation/erosion/turbidity control measures to be implemented.
3. No welded plastic or 'biodegradable plastic' netting or thread in erosion control matting shall be permitted. Wildlife friendly erosion control netting is required.
4. The site is within the vicinity of known habitat for turtle species of State Special Concern. Work shall be scheduled in the fall, outside the turtle nesting season, after turtle eggs have hatched; or, if construction occurs during the nesting season, from the last week in May to the first week in July, measures shall be taken to prevent turtles from nesting along the roadsides in proposed staging and construction areas in coordination with the New Hampshire Fish and Game Department (NHFGD). If construction occurs during nesting season, a qualified biologist or similarly qualified person must be on site to conduct turtle sweeps prior to construction each morning and at least once during the work day.
5. Turtle flyers shall be posted onsite which provide identification details and advise personnel to contact NHFGD with observations - photos shall be taken if feasible.
6. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Program (Attn: Seta Detzel) and the local conservation commission in writing of the date on which work under this permit is expected to start.
7. Prior to construction, all wetland and surface water boundaries adjacent to construction areas shall be clearly marked to prevent unintentional encroachment on adjacent wetlands and surface waters.
8. A certified wetlands scientist or qualified professional, as applicable, shall monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur. A follow-up report including photographs of all stages of construction shall be submitted to the NHDES Wetlands Program within 60 days of final site stabilization.
9. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species such as Purple Loosestrife, Knotweed, or Phragmites. The contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for the Control of Invasive and Noxious Plant Species (2018).
10. All work shall be limited to dewatered areas. No in-stream work shall be permitted outside the dewatered areas.
11. Work within the river, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow only. The permittee shall monitor local weather forecasts to avoid working during or following precipitation events.
12. Work shall be done during low flow or in the dry.
13. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
15. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
16. Prior to commencing work on a substructure located within surface waters, the permittee or permittee's contractors shall construct a cofferdam to isolate the substructure work area from the surface waters.

17. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once the cofferdam is fully effective, confined work can proceed without restriction.
18. The temporary cofferdam shall be entirely removed within 2 days after work within the cofferdam is completed and water has returned to normal clarity.
19. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.
20. Dredged materials, whether to be stockpiled or disposed of, shall be dewatered in sedimentation basins lined with siltation and erosion controls, and located outside of areas subject to RSA 482-A jurisdiction.
21. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
22. Any fill used shall be clean sand, gravel, rock, or other suitable material.
23. Filter fabric shall be installed under the riprap.
24. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
25. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
26. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
27. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
28. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.
29. Where construction activities occur between November 30 and May 1, all exposed soil areas shall be stabilized within 1 day of establishing the grade that is final or that otherwise will exist for more than 5 days. Stabilization shall include placing 3-inches of base course gravels, or loaming and mulching with tack or netting and pinning on slopes steeper than 3:1.
30. Areas of temporary impact shall be regraded to original contours following completion of work.
31. Mulch used within the wetland restoration areas shall be natural straw or equivalent non-toxic, non-seed-bearing organic material.
32. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
33. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.

With Findings:

1. This is a Major Impact Project per Administrative Rules Env-Wt 903.01(g) for a replacement Tier 3 stream crossing.
2. Hooksett Turnpike at this location crosses Bela Brook, however, no stream channel was identified in the immediate vicinity of the crossing due to the presence of the permanently flooded wetland complex.
3. The project is classified as a Tier 3 stream crossing due to its location on a watercourse with a contributing watershed of 13 square miles; within a 100-year floodplain and within a jurisdictional area having protected species and habitat.

4. Pursuant to Rule Env-Wt 904.09, the applicant has provided, and the department has approved, an alternative design request for a replacement Tier 3 crossing that does not meet the design criteria of Rules Env-Wt 904.05 and Env-Wt 904.08. The project engineer has demonstrated that the design meets Rule Env-Wt 904.01 fully and Rule Env-Wt 904.05 to the maximum extent practicable. The design entrenchment ratio of 1.6 does not meet the entrenchment ratio of >2.2 for Rosgen type E streams. However, the technical analysis demonstrates that increasing the span opening beyond the proposed design results in minimal additional reductions in water surface elevations and velocities at the crossing and that floodplain culverts are cost prohibitive.
5. Pursuant to Rule Env-Wt 904.04, the project has been determined to be self-mitigating and compensatory mitigation shall not be required. The proposed crossing improves the hydraulic capacity of an undersized crossing and improves the geomorphic compatibility of the crossing. Compared to the existing 14 foot wide opening which cannot accommodate the 50-year-flood, the replacement crossing will accommodate the 100-year flood.
6. Two wildlife shelves 2.0 feet in width are included in the design. The deep marsh habitat is likely to preclude use by large mammals.
7. The project is located within Highest Ranked Habitat in New Hampshire as classified by the NH Wildlife Action Plan. It is located within a large wetland complex associated with Turkey Pond, Turee Brook, Turee Pond and White Brook.
8. The NH Fish and Game Department (NHFGD) has determined that the project area "provides some of the best turtle habitat in the state". The applicant has consulted with NHFGD to minimize impacts to Blanding's turtles and wood turtles. NHFGD has required that stone fill not extend across the width of the stream. Rip rap scour protection has been designed around the abutments and wingwalls, but will not extend across the bed of the channel through the crossing. Provided specific conditions are adhered to, the NHFGD does "not expect impacts to Blanding's or wood turtles as a result of the proposed construction". The permit has been conditioned for NHFGD requirements.
9. The US Fish and Wildlife Service has determined that the project "is not likely to result in unauthorized take of the northern long-eared bat" and "small whorled pogonia are not likely to be present. Therefore, consultation on this species is not required (no effect)".
10. The US Environmental Protection Agency (USEPA) requested a review of the application on December 18, 2019.
11. There is no scour protection at the existing bridge; the project engineer has determined that the bridge is susceptible to scour and has recommended, rip-rap "in front of both abutments and keyed into the existing channel" to protect against local abutment scour. Class III rip-rap is proposed adjacent to each abutment and along the roadside fill slopes. Rip-rap will be keyed in to the bed of Bela Brook and extend to elevation 326.6 feet at a 1.5:1 (H:V) slope.
12. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
13. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
14. In accordance with RSA 482-A:8, NHDES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the palustrine/ riverine resources, as identified under RSA 482-A:1.
15. In accordance with Rule Env-Wt 304.04, proof of abutter permission has been provided for work on or within 20 feet of Tax Map 89, Lot 3, Block 2.

2019-03579

CITY OF CONCORD

CONCORD BELA BROOK

Requested Action:

02/24/2020 to 03/01/2020

Dredge and fill 3,204 square feet within the bed and banks of Bela Brook (Tier 3, impacting 159 linear feet), palustrine forested and palustrine scrub-shrub wetlands to replace the Birchdale Road Bridge, a 20 foot wide, 24 foot long clear span bridge, with a 42 foot wide, 33 foot long clear span bridge. Temporarily impact 627 square feet within the bed of Bela Brook (impacting 42 linear feet) for dewatering and construction access. Restore 670 square feet within Bela Brook to remove backfill associated with the existing culvert.

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#### APPROVE PERMIT

Dredge and fill 3,204 square feet within the bed and banks of Bela Brook (Tier 3, impacting 159 linear feet), palustrine forested and palustrine scrub-shrub wetlands to replace the Birchdale Road Bridge, a 20 foot wide, 24 foot long clear span bridge, with a 42 foot wide, 33 foot long clear span bridge. Temporarily impact 627 square feet within the bed of Bela Brook (impacting 42 linear feet) for dewatering and construction access. Restore 670 square feet within Bela Brook to remove backfill associated with the existing culvert.

#### With Conditions:

1. All work shall be in accordance with the plan set titled, "Birchdale Road Bridge Replacement Over Bela Brook (NHDOT Br. 193/027)" by VHB dated December 20, 2019 as revised January 2020 and received by NHDES on January 28, 2020.
2. This permit is contingent on review and approval, by the NHDES Wetlands Program of a final dewatering plan that shall detail the timing and method of flow diversion during construction and temporary siltation/erosion/turbidity control measures to be implemented.
3. No welded plastic or 'biodegradable plastic' netting or thread in erosion control matting shall be permitted. Wildlife friendly erosion control netting is required.
4. The site is within the vicinity of known habitat for turtle species of State Special Concern. Work shall be scheduled in the fall, outside the turtle nesting season, after turtle eggs have hatched; or, if construction occurs during the nesting season, from the last week in May to the first week in July, measures shall be taken to prevent turtles from nesting along the roadsides in proposed staging and construction areas in coordination with the New Hampshire Fish and Game Department (NHFGD). If construction occurs during nesting season, a qualified biologist or similarly qualified person must be on site to conduct turtle sweeps prior to construction each morning and at least once during the work day.
5. Turtle flyers shall be posted onsite which provide identification details and advise personnel to contact NHFGD with observations - photos shall be taken if feasible.
6. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Program (Attn: Seta Detzel) and the local conservation commission in writing of the date on which work under this permit is expected to start.
7. Prior to construction, all wetland and surface water boundaries adjacent to construction areas shall be clearly marked to prevent unintentional encroachment on adjacent wetlands and surface waters.
8. A certified wetlands scientist or qualified professional, as applicable, shall monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur. A follow-up report including photographs of all stages of construction shall be submitted to the NHDES Wetlands Program within 60 days of final site stabilization.
9. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species such as Purple Loosestrife, Knotweed, or Phragmites. The contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for the Control of Invasive and Noxious Plant Species (2018).
10. All work shall be limited to dewatered areas. No in-stream work shall be permitted outside the dewatered areas.
11. Work within the river, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow only. The permittee shall monitor local weather forecasts to avoid working during or following precipitation events.



12. Work shall be done during low flow or in the dry.

13. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

14. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.

15. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.

16. Prior to commencing work on a substructure located within surface waters, the permittee or permittee's contractors shall construct a cofferdam to isolate the substructure work area from the surface waters.

17. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once the cofferdam is fully effective, confined work can proceed without restriction.

18. The temporary cofferdam shall be entirely removed within 2 days after work within the cofferdam is completed and water has returned to normal clarity.

19. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.

20. Dredged materials, whether to be stockpiled or disposed of, shall be dewatered in sedimentation basins lined with siltation and erosion controls, and located outside of areas subject to RSA 482-A jurisdiction.

21. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.

22. Any fill used shall be clean sand, gravel, rock, or other suitable material.

23. Filter fabric shall be installed under the riprap.

24. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.

25. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.

26. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.

27. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.

28. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

29. Where construction activities occur between November 30 and May 1, all exposed soil areas shall be stabilized within 1 day of establishing the grade that is final or that otherwise will exist for more than 5 days. Stabilization shall include placing 3-inches of base course gravels, or loaming and mulching with tack or netting and pinning on slopes steeper than 3:1.

30. Areas of temporary impact shall be regraded to original contours following completion of work.

31. Mulch used within the wetland restoration areas shall be natural straw or equivalent non-toxic, non-seed-bearing organic material.

32. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.

33. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.

With Findings:

1. This is a Major Impact Project per Administrative Rules Env-Wt 903.01(g) for a replacement Tier 3 stream crossing.
2. Birchdale Road at this location crosses Bela Brook, however, no stream channel was identified in the immediate vicinity of the crossing due to the presence of the permanently flooded wetland complex.
3. The project is classified as a Tier 3 stream crossing due to its location on a watercourse with a contributing watershed of 13.5 square miles; within a 100-year floodplain and within a jurisdictional area having protected species and habitat.
4. Pursuant to Rule Env-Wt 904.09, the applicant has provided, and the department has approved, an alternative design request for a replacement Tier 3 crossing that does not meet the design criteria of Rules Env-Wt 904.05 and Env-Wt 904.08. The project engineer has demonstrated that the design meets Rule Env-Wt 904.01 fully and Rule Env-Wt 904.05 to the maximum extent practicable. The design entrenchment ratio of 1.8 does not meet the entrenchment ratio of >2.2 for Rosgen type E streams. However, the technical analysis demonstrates that increasing the span opening beyond the proposed design results in minimal additional reductions in water surface elevations and velocities at the crossing and that floodplain culverts are cost prohibitive.
5. Pursuant to Rule Env-Wt 904.04, the project has been determined to be self-mitigating and compensatory mitigation shall not be required. The proposed crossing improves the hydraulic capacity of an undersized crossing and improves the geomorphic compatibility of the crossing. Compared to the existing 20 foot wide opening which cannot accommodate the 50-year-flood, the replacement crossing will accommodate the 100-year flood.
6. Two wildlife shelves 2.0 feet in width are included in the design. The agent has determined that the deep marsh habitat is likely to preclude use by large mammals.
7. The project is located within Highest Ranked Habitat in New Hampshire as classified by the NH Wildlife Action Plan. It is located within a large wetland complex associated with Turkey Pond, Turee Brook, Turee Pond and White Brook.
8. The NH Fish and Game Department (NHFGD) has determined that the project area "provides some of the best turtle habitat in the state". The applicant has consulted with NHFGD to minimize impacts to Blanding's turtles and wood turtles. NHFGD has required that stone fill not extend across the width of the stream. Rip rap scour protection has been designed around the abutments and wingwalls, but will not extend across the bed of the channel through the crossing. Provided specific conditions are adhered to, the NHFGD does "not expect impacts to Blanding's or wood turtles as a result of the proposed construction". The permit has been conditioned for NHFGD requirements.
9. The applicant has consulted with the NH Natural Heritage Bureau (NHNHB) to minimize impacts to the exemplary natural community (drainage marsh - shrub swamp system) and NHNHB has determined that there will be no impact to the natural community provided that downstream water elevations do not change as a result of the project. The applicant has confirmed that downstream water surface elevations will not change and that "no flooding or increase of current water levels are anticipated to occur downstream of the existing bridge crossing".
10. The US Fish and Wildlife Service has determined that the project "is not likely to result in unauthorized take of the northern long-eared bat" and "small whorled pogonia are not likely to be present. Therefore, consultation on this species is not required (no effect)".
11. There is no scour protection at the existing bridge; the project engineer has determined that the bridge is susceptible to scour and has recommended, rip-rap "in front of both abutments and keyed into the existing channel" to protect against local abutment scour. Class III rip-rap is proposed adjacent to each abutment and along the roadside fill slopes. Rip-rap will be keyed in to the bed of Bela Brook and extend to elevation 324.3 feet at a 1.5:1 (H:V) slope.

12. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

13. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

14. In accordance with RSA 482-A:8, NHDES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the palustrine/ riverine resources, as identified under RSA 482-A:1.

15. In accordance with Rule Env-Wt 304.04, proof of abutter permission has been provided for work on or within 20 feet of Tax Map 89, Lot 2, Block 1 and Tax Map 88, Lot 7, Block 2.

## MINOR IMPACT PROJECT

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2019-01241

CM LONDONDERRY LLC

### LONDONDERRY Unnamed Wetland

#### Requested Action:

Dredge and fill 6,000 square feet within palustrine forested wetland and within 2 intermittent stream (impacting 137 linear feet) to construct an access driveway serving 14 townhouses, and to extend an existing 18" diameter culvert under Route 102 by 62 linear feet to construct an access drive and sewer line for a proposed retail/office building. Temporarily impact 400 square feet of wetland to install water diversion and erosion controls.

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#### APPROVE PERMIT

Dredge and fill 6,000 square feet within palustrine forested wetland and within 2 intermittent stream (impacting 137 linear feet) to construct an access driveway serving 14 townhouses, and to extend an existing 18" diameter culvert under Route 102 by 62 linear feet to construct an access drive and sewer line for a proposed retail/office building. Temporarily impact 400 square feet of wetland to install water diversion and erosion controls.

#### With Conditions:

1. All work shall be in accordance with revised plans by Benchmark Engineering, Inc. dated January 22, 2020, as received by the NH Department of Environmental Services (NHDES) on February 12, 2020.
2. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the DES Wetlands Program and the local conservation commission in writing of the date on which work under this permit is expected to start.
3. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
4. Stream work shall be done during low flow or dry conditions.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
6. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A.

02/24/2020 to 03/01/2020

7. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. As recommended by the NH Fish and Game Department (NHFG), personnel working at the job site should be made aware of the potential to encounter protected turtles during the turtle nesting season which extends from late May through the end of June especially in any areas of exposed mineral soils. If wood, spotted or Blanding's turtles are found laying eggs in a work area, please contact Melissa Doperalski at (603) 271-1738 or Josh Megyesy at (603) 271-1125 for further instructions.
9. As recommended by NHFG, the use of welded plastic or 'biodegradable plastic' erosion control netting should be avoided at the work site. Any slope stabilizing materials must be free from plastic or other non-biodegradable materials that create a mesh that can trap wildlife. Coco matting and other natural fibers are acceptable.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.
11. No construction equipment shall be operated in flowing water.
12. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
13. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
15. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This project is classified as a Minor Project per NH Administrative Rule Env-Wt 303.03(h), as wetland impacts are less than 20,000 square feet, and Env-Wt 303.03(l), as stream impacts are less than 200 linear feet.
2. The project is to construct an access driveway serving 14 townhouses, and to extend an existing 18" diameter culvert under Route 102 by 62 linear feet to construct an access drive and sewer line for a proposed retail/office building.
3. On June 19, 2019, the US Environmental Protection Agency (EPA) reviewed the file and determined that the project is ineligible for a Programmatic General Permit (PGP) as proposed, as other alternatives should be considered to avoid the 840 square feet of stream impact, and that stream impacts need to be listed on the plans.
4. In an email dated May 22, 2019, the Londonderry Conservation Commission stated that they have no objection to fill area #1, but that fill area #2 would not be needed if the building was smaller.
5. The applicant responded with revised plans on February 12, 2020, and stated that the plans have been changed to move the driveway back from the area where it was initially plan to an area outside of the town's buffer; however, an impact is still needed in this area to run sewer and drainage lines for the project. Stream impacts were also added to the plans.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03. A drainage culvert was relocated to shorten its length by 8 linear feet with 2 to 1 side slopes to further avoid impacts.
7. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
8. In a letter dated January 17, 2019, the NH Natural Heritage Bureau (NHB) reviewed the proposal and determined that

New England Cottontail and Wood Turtle may be present in the area.

9. In an email dated December 02, 2019, NHFG stated that they are satisfied that efforts have been taken to avoid and minimize impacts to identified wildlife species for the proposed commercial/condominium project. NHDES added conditions to the permit as recommended by NHFG in email communications.

2019-01823

**ETCHSTONE PROPERTIES INC**

**NASHUA Unnamed Stream**

**Requested Action:**

Dredge and fill 984 square feet (SF) of palustrine forested wetlands and an intermittent stream (Tier 1, impacting 48 linear feet (LF) to construct private roads to support a 25-unit, single family, detached residential development. In addition, temporarily impact 242 SF of forested wetlands and the intermittent stream (Tier 1, impacting 16 LF) for construction access and sedimentation control.

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**APPROVE PERMIT**

Dredge and fill 984 square feet (SF) of palustrine forested wetlands and an intermittent stream (Tier 1, impacting 48 linear feet (LF) to construct private roads to support a 25-unit, single family, detached residential development. In addition, temporarily impact 242 SF of forested wetlands and the intermittent stream (Tier 1, impacting 16 LF) for construction access and sedimentation control.

**With Conditions:**

1. All work shall be in accordance with plans by Hayner/Swanson, Inc. dated May 24, 2019 and revised on September 12, 2019, as received electronically by the NHDES on February 26, 2020.
2. This permit is not valid unless an alteration of terrain permit or other compliance with RSA 485-A:17 and Env-Wq 1500 is achieved.
3. This permit is not valid unless a subdivision approval or other compliance with RSA 485-A and Env-Wq 1000 is achieved.
4. Per Rule Env-Wt 304.09(c), there shall be no further wetlands impact for lot development on any subdivision approval.
5. Permits for subdivisions of 4 or more lots shall not be effective until the permittee records the permit with the appropriate registry of deeds and a copy of the registered permit has been received by the department.
6. Not less than five (5) state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Bureau and the local conservation commission in writing of the date on which work under this permit is expected to start.
7. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
10. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Erosion control products shall be installed per manufacturers recommended specifications.

12. Mulch used within the wetland restoration areas shall be natural straw or equivalent non-toxic, non-seed-bearing organic material.
13. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
14. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
16. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
17. Any fill used shall be clean sand, gravel, rock, or other suitable material.
18. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers' specifications.
19. Restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the NHDES Wetlands Bureau.
20. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species such as Purple Loosestrife, Japanese Knotweed, or Common Reed. The contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for Roadside Invasive Plants (2008).
21. To prevent the introduction of invasive plant species to the site, the permittee's contractor(s) shall clean all soils and vegetation from construction equipment and matting before such equipment is moved to the site.
22. A Certified Wetlands Scientist or Qualified Professional, as applicable, shall monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur. A follow-up report including photographs of all stages of construction shall be submitted to the NHDES Wetlands Bureau within 60 days of final site stabilization.

With Findings:

1. This project is classified as a Minor Project per NH Administrative Rules Env-Wt 303.03(h), as it involves less than 20,000 square feet of alteration in the aggregate in non-tidal wetlands, non-tidal surface waters, or banks adjacent to non-tidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The proposed impacts are to create public roads on the property identified on Tax Map D, Lot 23 to support a residential subdivision.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The project minimizes wetland impacts to the extent possible, increasing the size of the proposed culvert and partially-embedding it to improve aquatic organism passage and reducing permanent wetland impacts by approximately 20 percent during review of the project.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. Neither the Town of Nashua Conservation Commission nor any abutters submitted comments to NHDES regarding the project.
6. On April 23, 2019, the NH Natural Heritage Bureau (NHB) reported occurrences for sensitive species near the project area. Subsequent communication with the NH Fish and Game Department led to the incorporation of environmentally-friendly design components that addressed concerns regarding sensitive species and covenants and restrictions on the property, and subsequent communications with the US Environmental Protection Agency resolved issues regarding the upland buffer

associated with a vernal pool at the property.

7. On August 8, 2019, the NH Division of Historical Resources reported that they concurred with the findings of a Phase IA Survey conducted on the property and that no historic properties would be affected by the project.

2019-02981

JEDDREY, JOHN

**ALTON Unnamed Stream**

**Requested Action:**

Dredge and fill 2,560 square feet (SF) of the bed and banks of an unnamed perennial stream (tier 1, impacting 180 linear feet [LF]) and palustrine forested wetland in order to install a 103-inch by 71-inch arch culvert with 12 inches of embedded stream simulation in order to construct a 20-foot-wide road to the remaining portion of a previously approved subdivision.

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**APPROVE PERMIT**

Dredge and fill 2,560 square feet (SF) of the bed and banks of an unnamed perennial stream (tier 1, impacting 180 linear feet [LF]) and palustrine forested wetland in order to install a 103-inch by 71-inch arch culvert with 12 inches of embedded stream simulation in order to construct a 20-foot-wide road to the remaining portion of a previously approved subdivision.

**With Conditions:**

1. All work shall be in accordance with plans by Bacon Civil Design dated August 19, 2019, and revised through November 22, 2019, as received by the NH Department of Environmental Services (NHDES) on January 08, 2020.
2. This permit is not valid unless a subdivision approval or other compliance with RSA 485-A:29-44 and Env-Wq 1000 is achieved.
3. This permit is not valid unless an Alteration of Terrain permit or other method of compliance with RSA 485-A:17 and Env-Wq 1500 is achieved.
4. There shall be no further impacts of wetlands that are subject to RSA 482-A jurisdiction for residential or commercial activities, including lot development, driveways, culverts, or septic setback, on this property.
5. The deeds that accompany the sales transactions for all lots of this subdivision shall contain condition #4 of this approval.
6. This permit is not valid and effective until it has been recorded with the appropriate county Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the NHDES Wetlands Bureau by certified mail, return receipt requested.
7. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
8. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Bureau and the local conservation commission in writing of the date on which work under this permit is expected to start.
9. Work shall be done during low flow and in dry conditions.
10. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and water at the work

site has returned to normal clarity.

12. Erosion control products shall be installed per manufacturers recommended specifications.

13. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

14. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.

15. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

16. Any fill used shall be clean sand, gravel, rock, or other suitable material.

17. Prior to commencing work on a substructure located within surface waters, the permittee or permittee's contractors shall construct a cofferdam to isolate the substructure work area from the surface waters.

18. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once the cofferdam is fully effective, confined work can proceed without restriction.

19. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow only. The permittee shall monitor local weather forecasts to avoid working during or following precipitation events.

20. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.

21. Dredged materials, whether to be stockpiled or disposed of, shall be dewatered in sedimentation basins lined with siltation and erosion controls, and located outside of areas subject to RSA 482-A jurisdiction.

22. The temporary cofferdam shall be entirely removed within 2 days after work within the cofferdam is completed and water has returned to normal clarity.

23. Proper headwalls shall be constructed within seven days of culvert installation.

24. Native material removed from the streambed during construction shall be stockpiled separately and reused to emulate a natural channel bottom within the new structure, between wing walls, and beyond.

25. Any imported materials used to emulate a natural stream channel surface shall be well-graded and properly sized to match the native material found upstream and downstream of the proposed construction and shall not include angular rip-rap. All stones shall be round, without fractures, and washed in with sand and fines.

26. The recreated stream channel shall be constructed to maintain a natural and consistent elevation and not impede stream flow or aquatic organism passage.

27. The recreated stream channel shall be constructed to maintain depths and sinuosity consistent with the reference reach during low-flow conditions.

28. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

29. Where construction activities occur between November 30 and May 1, all exposed soil areas shall be stabilized within 1 day of establishing the grade that is final or that otherwise will exist for more than 5 days. Stabilization shall include placing 3-inches of base course gravels, or loaming and mulching with tack or netting and pinning on slopes steeper than 3:1.

#### With Findings:

1. This project is classified as a Minor Project per Administrative Rule Env-Wt 303.03(I) as the project will disturb less than 200 linear feet of a perennial nontidal stream or river channel and its banks and does not meet the criteria for minimum



impact under Env-Wt 303.04(n).

2. This project was originally approved under NHDES Wetlands File #2006-00868 and involves the installation of a new tier 1 stream crossing in order to complete a road for a previously approved subdivision.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03 as the road side slopes will be 2:1 to reduce the amount of fill required, the natural stream bed material will be used for stream simulation in the arch culvert, and the proposed culvert meets the requirements in Env-Wt 900.
4. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. In a review letter dated November 22, 2019, and received by NHDES on January 08, 2020, the NH Natural Heritage Bureau (NHB) stated that there was no record of a sensitive species located in the vicinity of the project.
6. In a letter dated February 03, 2006, and signed by NH State Historic Preservation Office staff on March 27, 2006, it was indicated that no historical resources were present in the vicinity of the project.
7. In an email dated November 19, 2019, US Army Corps of Engineers staff stated that the provided the plans do not differ from the original plans historical resources screening results for this project should still be valid.
8. In email correspondence dated September 27, 2019, the Alton Conservation Commission expressed their concerns regarding this project stating that the work had already been completed without a valid wetlands permit.
9. In a response to a request for more information letter dated January 08, 2020, and photos of the site received by NHDES on January 08, 2020, the agent for the applicant indicated that the crossing that was installed was a temporary bridge that spanned the bed and banks of the stream completely.
10. NHDES finds that the applicant has fully addressed the concerns of the Alton Conservation Commission with the responses provided in the response to a request for more information letter dated and received by NHDES on January 08, 2020.
11. In a letter dated January 8, 2020, and received electronically by NHDES on January 9, 2020, an abutter to the project submitted a list of six concerns related to the project.
12. In an email dated February 07, 2020, the applicant requested an extension agreement until February 14, 2020, to allow additional time to provide a response to the abutter concern letter.
13. In a response letter dated February 13, 2020, and received electronically by NHDES on February 14, 2020, the authorized agent for the applicant provided a response to each of the abutter concerns identified in the original January 08, 2020, letter.
14. NHDES finds that abutter concerns have been sufficiently addressed in the response letter received February 14, 2020.

2019-03200

GRAVELLE, ADAM

## MOULTONBOROUGH

### Requested Action:

Retain 15 square feet (SF) of dredge and fill in palustrine forested wetland for a foundation drain and a private residential well and waterline. In addition, restore approximately 3,005 SF of palustrine forested wetland by removing unauthorized dredge and fill installed for a residential driveway and replanting areas temporarily impacted by unauthorized construction activities. An additional 930 SF of palustrine forested wetland temporarily impacted by unauthorized construction activities will be restored through natural succession.

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#### APPROVE AFTER THE FACT

Retain 15 square feet (SF) of dredge and fill in palustrine forested wetland for a foundation drain and a private residential well and waterline. In addition, restore approximately 3,005 SF of palustrine forested wetland by removing unauthorized dredge and fill installed for a residential driveway and replanting areas temporarily impacted by unauthorized construction activities. An additional 930 SF of palustrine forested wetland temporarily impacted by unauthorized construction activities will be restored through natural succession.

#### With Conditions:

##### 1. Project Specific Conditions:

1. All work shall be in accordance with plans by Ames Associates, LLC., dated October 02, 2019, as received by the NH Department of Environmental Services (NHDES) on October 08, 2019.

2. This Approval is contingent upon the restoration of approximately 3,935 square feet of wetland that was previously impacted by unauthorized work. Wetland restoration shall be completed in accordance with the "Restoration Plan" as approved by NHDES on February 4, 2020.

3. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.

4. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.

5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.

6. A post-construction report, prepared during the growing season by a Certified Wetland Scientist or Qualified Professional, as applicable, documenting status of the project area and associated site stabilization, including photographs, shall be submitted to the NHDES Wetlands Bureau by October 04, 2020. The NHDES Wetlands Bureau may require subsequent monitoring and corrective measures if NHDES deemed the area inadequately stabilized or restored.

8.

##### 9. General Conditions:

1. This after-the-fact approval does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others;

2. This after-the-fact approval does not relieve the applicant from the obligation to obtain other local, state or federal permits that may be required.

#### With Findings:

1. This project is classified as a Minor Project per NH Administrative Rule Env-Wt 303.03(h) as the project involves the alteration of less than 20,000 square feet (SF) of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in the aggregate.

2. This project involves the restoration of 3,005 square feet of palustrine forested wetland that were impacted by unauthorized construction activities related to the construction of a single family residence and the associated driveway. Additionally, approximately 930 SF of additional palustrine forested wetland that was temporarily impacted by this project will be allowed to restore naturally.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03 as all structures constructed within the wetland will be removed to the greatest extent practicable and the majority of the impacted wetland areas will be fully restored to preconstruction conditions.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

5. In a review letter dated October 01, 2019, and received by NHDES on October 08, 2019, the NH Natural Heritage Bureau (NHB) stated that there was no record of a sensitive species in the vicinity of the proposed project.

6. In a letter dated October 29, 2019, and received by NHDES on October 31, 2019, the Moultonborough Conservation Commission stated that they have no objections to the issuance of this permit.

7. As of January 30, 2020, no comments of concern have been received by NHDES from abutters or local governing organizations.

2019-03274

T & J MED PRO LLC

### **MEREDITH LAKE WINNIPESAUKEE**

#### **Requested Action:**

Expand the existing 14 foot x 35 foot seasonal canopy to final dimensions of 31 foot x 35 foot over a "U" shaped structure consisting of two 6 foot x 32 foot 6 inch seasonal piers connected by a 3 foot x 11 foot 6 inch walkway along an average of 152 feet of frontage along Lake Winnepesaukee, in Meredith.

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#### **APPROVE PERMIT**

Expand the existing 14 foot x 35 foot seasonal canopy to final dimensions of 31 foot x 35 foot over a "U" shaped structure consisting of two 6 foot x 32 foot 6 inch seasonal piers connected by a 3 foot x 11 foot 6 inch walkway along an average of 152 feet of frontage along Lake Winnepesaukee, in Meredith.

#### **With Conditions:**

1. All work shall be in accordance with revised plans by Watermark Marine Construction dated February 15, 2019 as received by the NH Department of Environmental Services (NHDES) on August 3, 2015 and again on October 16, 2019 and the canopy expansion diagram submitted to NHDES on October 16, 2019.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 feet from abutting property lines or the imaginary extension of those lines into the water except as authorized by the owners of the property identified as Lot #34 on Meredith Tax Map U25 in the signed waiver of the 20 foot setback notarized on September 10, 2019.
5. All seasonal structures shall be removed from the lake for the non-boating season.
6. No portion of the docking structures shall extend more than 32 feet 6 inches lakeward of the shoreline at full lake elevation 504.32.
7. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
8. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
9. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.

10. Work authorized shall be carried out such that there are no discharges in or to spawning or nursery areas during spawning seasons. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), Modification of a docking structure providing 3 slips.
2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2019-03668**

**SAN-KEN HOMES INC**

**PEMBROKE Unnamed Wetland**

**Requested Action:**

Dredge and fill 4,965 square feet (SF) of palustrine forested wetlands and 2,822 SF of wet meadow to construct public roads to support a subdivision for a multi-family residential development. In addition, temporarily impact 1,157 SF of forested wetlands for construction access and sedimentation control.

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Conservation Commission/Staff Comments:  
Pembroke Con Comm hold requested on 12/5/19.  
Pembroke Con Comm submitted comments on 12/19/2019.

**APPROVE PERMIT**

Dredge and fill 4,965 square feet (SF) of palustrine forested wetlands and 2,822 SF of wet meadow to construct public roads to support a subdivision for a multi-family residential development. In addition, temporarily impact 1,157 SF of forested wetlands for construction access and sedimentation control.

**With Conditions:**

1. All work shall be in accordance with plans by Rokeh Consulting, LLC dated October 22, 2019 and revised on February 10, 2020, as received by the NHDES on February 13, 2020.
2. This permit is not valid unless an alteration of terrain permit or other compliance with RSA 485-A:17 and Env-Wq 1500 is achieved.
3. This permit is not valid unless a subdivision approval or other compliance with RSA 485-A and Env-Wq 1000 is achieved.
4. Permits for subdivisions of 4 or more lots shall not be effective until the permittee records the permit with the appropriate registry of deeds and a copy of the registered permit has been received by the department.
5. Per Rule Env-Wt 304.09(c), there shall be no further wetlands impact for lot development on any subdivision approval.
6. Not less than five (5) state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Bureau and the local conservation commission in writing of the date on which work under this permit is expected to start.
7. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

9. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
10. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Erosion control products shall be installed per manufacturers recommended specifications.
12. Mulch used within the wetland restoration areas shall be natural straw or equivalent non-toxic, non-seed-bearing organic material.
13. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
14. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
16. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
17. Any fill used shall be clean sand, gravel, rock, or other suitable material.
18. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers' specifications.
19. Restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the NHDES Wetlands Bureau.
20. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species such as Purple Loosestrife, Japanese Knotweed, or Common Reed. The contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for Roadside Invasive Plants (2008).
21. To prevent the introduction of invasive plant species to the site, the permittee's contractor(s) shall clean all soils and vegetation from construction equipment and matting before such equipment is moved to the site.
22. A Certified Wetlands Scientist or Qualified Professional, as applicable, shall monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur. A follow-up report including photographs of all stages of construction shall be submitted to the NHDES Wetlands Bureau within 60 days of final site stabilization.

With Findings:

1. This project is classified as a Minor Project per NH Administrative Rules Env-Wt 303.03(h), as it involves less than 20,000 square feet of alteration in the aggregate in non-tidal wetlands, non-tidal surface waters, or banks adjacent to non-tidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The proposed impacts are to create public roads on the property identified on Tax Map 262, Lot 45 to support a residential subdivision.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The project minimizes wetland impacts to the extent possible, reducing wetland impacts by approximately 11 percent during review of the project, eliminating unnecessary stone aprons at the outfalls of the three culverts crossing wetlands.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

5. On December 9, 2019, the Town of Pembroke Conservation Commission (PCC) requested a hold to allow time for review of the project. On December 19, 2019, the PCC submitted comments to NHDES. None of the comments submitted pertained to issues within the jurisdiction of NHDES Wetlands Bureau.

6. On October 31, 2019, the NH Natural Heritage Bureau (NHB) reported no recorded occurrences for sensitive species near the project area.

7. On December 12, 2019, the NH Division of Historical Resources reported that they concurred with the findings of a Phase IA Survey conducted on the property and that no historic properties would be affected by the project.

#### MINIMUM IMPACT PROJECT

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2019-03207

CLARK COUNTY HOLDINGS LLC

#### ANTRIM Unnamed Wetland

##### Requested Action:

Dredge and fill 33 square feet (SF) of intermittent stream channel (Tier 1, impacting 33 linear feet) to install two, 2.5 foot diameter, 20 and 24 foot long, respectively, culverts for two proposed roads leading to an 8 lot subdivision. In addition, retain 1,497 SF of previous, unpermitted impacts to palustrine scrub-shrub wetlands

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##### APPROVE PERMIT

Dredge and fill 33 square feet (SF) of intermittent stream channel (Tier 1, impacting 33 linear feet) to install two, 2.5 foot diameter, 20 and 24 foot long, respectively, culverts for two proposed roads leading to an 8 lot subdivision. In addition, retain 1,497 SF of previous, unpermitted impacts to palustrine scrub-shrub wetlands

##### With Conditions:

1. All work shall be in accordance with plans by Eric C. Mitchell, Inc. dated September 10, 2019 and revised on February 21, 2020, as received by the NHDES on February 24, 2020.
2. This permit is not valid unless a subdivision approval or other compliance with RSA 485-A and Env-Wq 1000 is achieved.
3. Per Rule Env-Wt 304.09(c), there shall be no further wetlands impact for lot development on any subdivision approval.
4. Permits for subdivisions of 4 or more lots shall not be effective until the permittee records the permit with the appropriate registry of deeds and a copy of the registered permit has been received by the department.
5. Not less than five (5) state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Bureau and the local conservation commission in writing of the date on which work under this permit is expected to start.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.

9. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

10. Erosion control products shall be installed per manufacturers recommended specifications.

11. Mulch used within the wetland restoration areas shall be natural straw or equivalent non-toxic, non-seed-bearing organic material.

12. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.

13. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.

14. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.

15. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.

16. Any fill used shall be clean sand, gravel, rock, or other suitable material.

17. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers' specifications.

18. Restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the NHDES Wetlands Bureau.

19. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species such as Purple Loosestrife, Japanese Knotweed, or Common Reed. The contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for Roadside Invasive Plants (2008).

20. To prevent the introduction of invasive plant species to the site, the permittee's contractor(s) shall clean all soils and vegetation from construction equipment and matting before such equipment is moved to the site.

21. A Certified Wetlands Scientist or Qualified Professional, as applicable, shall monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur. A follow-up report including photographs of all stages of construction shall be submitted to the NHDES Wetlands Bureau within 60 days of final site stabilization.

#### With Findings:

1. This project is classified as a Minimum Impact Project per NH Administrative Rules Env-Wt 303.04(h), as it involves less than 3,000 square feet of alteration in the aggregate in non-tidal wetlands, non-tidal surface waters, or banks adjacent to non-tidal surface waters which exceed the criteria of Env-Wt 303.04(f).

2. The proposed impacts are to create roads on the property identified on Tax Map 262, Lot 45 to support a residential subdivision.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The project minimizes wetland impacts to the extent possible, accounts for previous, unpermitted impacts, eliminating unnecessary stone aprons at the outfalls of the two culverts.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

5. Neither the Town of Antrim Conservation Commission nor any abutters submitted comments on the proposed project.

6. On September 9, 2019, the NH Natural Heritage Bureau (NHB) reported no recorded occurrences for sensitive species

near the project area.

7. On October 2, 2019, the NH Division of Historical Resources reported that no historic properties would be affected by the project.

2019-03256

ELDRED, STEPHEN

**NEW CASTLE PISCATAQUA RIVER**

**Requested Action:**

Impact a total of 2,063 square feet within the previously-developed 100-foot tidal buffer zone to include 1,849 square feet of permanent impact and 614 square feet of temporary impact to remove and replace the existing boathouse, install utilities to the boathouse, replace the existing gravel driveway with pervious pavers, and restore 4,318 square feet of the waterfront and woodland buffers.

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**APPROVE PERMIT**

Impact a total of 2,063 square feet within the previously-developed 100-foot tidal buffer zone to include 1,849 square feet of permanent impact and 614 square feet of temporary impact to remove and replace the existing boathouse, install utilities to the boathouse, replace the existing gravel driveway with pervious pavers, and restore 4,318 square feet of the waterfront and woodland buffers.

**With Conditions:**

1. All work shall be in accordance with plans by Ross Engineering dated 9/10/19 and revised 12/18/19 as received by the NH Department of Environmental Services Wetlands Bureau (NHDES) on December 19, 2019.
2. This permit is contingent upon the successful restoration of 4,318 square feet within the Waterfront Buffer and Natural Woodland Buffer as conditioned in the Restoration Plan Approval by NHDES dated February 25, 2020.
3. This permit is not valid and effective until it has been recorded with the Rockingham County Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the NHDES by certified mail, return receipt requested.
4. The boathouse as identified on the approved plans cannot be used as a residential unit as defined by RSA 483-B:4 XIX.
5. Not less than 5 state business days prior to starting work authorized by this permit, the permitted shall notify the NHDES and the New Castle Conservation Commission in writing of the date on which work under this permit is expected to start.
6. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.
7. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code Admin. Rules Env-Wq 1400 during and after construction.
8. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
9. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
10. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a)(2)(D)(iv).



02/24/2020 to 03/01/2020

11. No more than 22.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
12. Native vegetation within an area of at least 4,318 sq. ft. of the Natural Woodland Buffer located between 50 ft. and 150 ft. landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b)(2).
13. Erosion control products shall be installed per manufacturers recommended specifications.
14. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Any fill used shall be clean sand, gravel, rock, or other suitable material.
16. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
17. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
19. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

With Findings:

1. On June 18, 2014, NHDES approved Shoreland Impact Permit 2014-01240 to: Impact 11,518 sq. ft. in order to construct a single family residence beyond the 100 ft. tidal buffer.
2. On July 1, 2014, NHDES approved Wetlands and Non-Site Specific Permit 2014-01364 to: Impact 760 sq. ft. in the previously developed upland tidal buffer zone to construct a walkway and patio of previous pavers between a proposed 2-story residence and the existing boathouse on the property.
3. On October 28, 2015, NHDES received a complaint from the New Castle Conservation Commission alleging the aforementioned permits had been violated. More particularly, vegetation had been removed in excess of what had been approved.
4. Through this approval approximately 4,318 square feet of area including the waterfront buffer and woodland buffer shall be restored, monitored, and managed in accordance with the 'Landscape Plan' by Ross Engineering dated 9/10/19 and revised 12/18/19 received by NHDES on December 19, 2019
5. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line unless they are major or minor as defined in Env-Wt 303.02 or Env-Wt 303.03, respectively.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) and (c) Requirements for Application Evaluation, has been considered in the design of the project.
8. Pursuant to RSA 483-B:4 XIX, the sewer and water lines serving the boathouse as identified on the approved plans will not provide living facilities, including permanent facilities for living, sleeping, eating, cooking, and sanitation.
9. The application included NH Natural Heritage Bureau (NHB) Datacheck Results Letter NHB19-2813. NHB stated, "It was determined that, although there was a NHB record [...] present in the vicinity, we do not expect that it will be impacted by the proposed project."
10. The New Castle Conservation Commission provided their draft meeting minutes from February 4, 2020 stating, "The plans have been submitted to the State, and if the States' wetland application is approved, then the Applicant will come back

to the Conservation Commission and the Planning Board for a conditional use permit...The Commission will formally deliberate on the final Application at a future meeting."

2019-03307

**CAPONE FAMILY TRUST**

**RAYMOND Unnamed Wetland**

**Requested Action:**

Impact a total of 3,430 square feet of forested wetland for the construction of a roadway into a 12-lot residential subdivision as part of conservation development of 35.697 acres with 27.682 acres preserved as open space in perpetuity.

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**APPROVE PERMIT**

Impact a total of 3,430 square feet of forested wetland for the construction of a roadway into a 12-lot residential subdivision as part of conservation development of 35.697 acres with 27.682 acres preserved as open space in perpetuity.

**With Conditions:**

1. All work shall be in accordance with plans by Blaisdell Survey, LLC and Civil Construction Management, Inc. dated April 2019 and revised through 10-2-19 as received by the NH Department of Environmental Services (NHDES) Wetlands Bureau on December 13, 2019.
2. This permit is not valid unless an Alteration of Terrain permit or other method of compliance with RSA 485-A:17 and Env-Wq 1500 is achieved.
3. This permit is not valid unless a subdivision and septic system construction approvals or other compliance with RSA 485-A:29-44 and Env-Wq 1000 is achieved.
4. This permit is not valid and effective until it has been recorded with the Rockingham County Registry of Deeds by the applicant. Prior to starting work under this permit, the permitted shall submit a copy of the recorded permit to the NHDES by certified mail, return receipt requested.
5. This approval is not valid until the applicant/owner executes and records the conservation easement on 27.682 acres as depicted on plans prepared by Blaisdell Survey, LLC and Civil Construction Management, Inc. dated April 2019 and revised through 10-2-19 as received by NHDES on December 13, 2019.
6. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and all future property owners shall be subject to this easement.
7. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Rockingham County Registry of Deeds for each lot that is subject to the easement. The permittee shall submit a copy of the recording from the Rockingham County Registry of Deeds to NHDES prior to the start of construction.
8. There shall be no placement of fill, construction of structures, or storage of vehicles or hazardous materials on the conservation parcel.
9. Activities in contravention of the conservation easement shall be deemed to be a violation of RSA 482-A, and shall be subject to enforcement under RSA 482-A.
10. The deed that accompanies the sales transaction for each of the lots in this subdivision shall contain condition #11 of this approval.
11. There shall be no further alteration of wetlands for lot development, driveways, culverts, or septic setback.

02/24/2020 to 03/01/2020

12. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
13. Work shall be done during low flow and in the dry only.
14. Construction personnel should be made aware of the potential to encounter spotted and Blanding's turtles, especially during turtle nesting season which extends from late May through the beginning of July. IF SPOTTED OR BLANDING'S TURTLES ARE FOUND LAYING EGGS IN THE WORK AREA, PLEASE CONTACT NH Fish and Game Dept. MELISSA DOPERALSKI AT 271-1738 or JOSH MEGYESY AT 271-1125 FOR FURTHER INSTRUCTIONS.
15. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
16. The use of welded plastic or 'biodegradable plastic' netting or thread in the erosion controls shall be avoided. The use of erosion control berm, white Filtrexx Degradable Woven Silt Sock, or several 'wildlife friendly' options such as woven organic material (e.g. coco or jute matting such as North American Green SC150BN or equivalent) are readily available.
17. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain in place until suspended particles have settled and water at the work site has returned to normal clarity.
18. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.
19. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
20. Extreme precautions shall be taken within riparian areas to prevent unnecessary removal of vegetation during construction. Areas cleared of vegetation must be re-vegetated with like native species within three days of the completion of the disturbance.
21. Native material removed from the wetlands during culvert installation shall be stockpiled separately and reused to emulate a natural substrate around the culvert, between wing walls, and beyond. Any new materials used must be as similar to the natural substrate as practicable and shall not include any angular rock.
22. Dredged materials, whether to be stockpiled or disposed of, shall be dewatered in sedimentation basins lined with siltation and erosion controls, and located outside of areas subject to RSA 482-A jurisdiction.
23. The culvert inlets and outlets must maintain the natural and a consistent elevation and not impede water flow.
24. Proper headwalls shall be constructed within seven days of culvert installation.
25. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
26. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
27. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
28. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per NH Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface

waters which exceed the criteria of Env-Wt 303.04(f).

2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per NH Administrative Rule Env-Wt 302.03.

3. The applicant has demonstrated by plan and example that each factor listed in NH Administrative Rule Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

4. The application included NH Natural Heritage Bureau (NHB) Datacheck Results Letter NHB19-0376 identifying two (2) vertebrate species in the vicinity of the proposed project: Blandings Turtle (*Emydoidea blandingii*) and Spotted Turtle (*Clemmys guttata*)

5. In response to the above-referenced species, the applicant's agent coordinated with NH Fish and Game Dept., Nongame and Endangered Species Program (NHFG) to minimize impacts to these species as a result of the impacts.

6. In response to NHFG's recommendations, NHDES has conditioned the permit to include the following condition: "The use of welded plastic or 'biodegradable plastic' netting or thread in the erosion controls shall be avoided. The use of erosion control berm, white Filtrexx Degradable Woven Silt Sock, or several 'wildlife friendly' options such as woven organic material (e.g. coco or jute matting such as North American Green SC150BN or equivalent) are readily available."

7. Also in response to the species identified in the NHB letter, NHDES has conditioned the permit to ensure construction personnel should be made aware of the potential to encounter Spotted and Blanding's turtles, especially during turtle nesting season and to contact NHFG in the event nesting turtles are seen.

8. NHFG has also review and is satisfied with the conservation easement deed language.

9. The Raymond Conservation Commission sent a letter dated October 29, 2019 stating, "The Raymond Conservation Commission has reviewed the Wetlands Permit Application on the above project and has the following comment below and no other concerns with the application. There is a discrepancy on the temporary impact square footage on form NHDES-W06-012, page 4 of 4 and form NHDES-W-06-013 page 2 of 8, of 820 sf and 850 sf."

10. In response to the different temporary impact numbers raised by the Raymond Conservation Commission, the applicant has addressed the square foot discrepancy of temporary impact.

#### **X-EXPEDITED MINIMUM**

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2018-01389

THE MALLETT CORPORATION

JACKSON Unnamed Wetland

Requested Action:

Dredge and fill 800 square feet (SF) of forested wetlands to construct a permanent skidder panel bridge to be used as a cross-country ski trail. In addition, temporarily impact 1,000 square feet within forested wetlands to install an approximately 1,600-foot long water main.

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APPROVE AMENDMENT

Temporarily impact 1,800 square feet within forested wetlands to install an approximately 1,600-foot long water main.

With Conditions:

1. All work shall be in accordance with plans by Wright-Pierce dated March 27, 2018 and received by the NHDES on May 14, 2018, subsequently revised through May 18, 2018, and requested for amendment by letter on September 10, 2019.

2. Work shall be done during low flow or in dry conditions.
3. Appropriate turbidity controls shall be installed prior to construction shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
4. Work within the wetland shall be done during periods of low flow only. The permittee shall monitor local weather forecasts to avoid working during or following precipitation events.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.
6. Dredged materials, whether to be stockpiled or disposed of, shall be dewatered in sedimentation basins lined with siltation and erosion controls, and located outside of areas subject to RSA 482-A jurisdiction.
7. Erosion control products shall be installed per manufacturers recommended specifications.
8. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
9. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. A certified wetlands scientist or qualified professional, as applicable, shall monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur. A follow-up report including photographs of all stages of construction shall be submitted to the NHDES Wetlands Program within 60 days of final site stabilization.
11. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
12. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
13. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
15. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoil shall be stockpiled separately from subsoil and shall be restored following backfill.
16. Any fill used shall be clean sand, gravel, rock, or other suitable material.
17. The permittee/permittee's contractor shall regrade temporary impacts to pre-construction conditions and plant native species similar to those within the wetland and stream banks prior to impact. The permittee shall implement corrective measures promptly if needed to ensure the plantings survive.
18. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers' specifications.
19. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species such as Purple Loosestrife, Knotweed, or Common Reed. The contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for Roadside Invasive Plants (2008).
20. The permittee/permittee's contractor shall revegetate the disturbed area with trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project, exclusive of any invasive or nuisance species.

With Findings:

1. This project is classified as a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04(f), as the project involves alteration of less than 3,000 square feet in swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01, as necessary to prevent future water line breaks in the distribution loop along Route 16, and to provide recreational access.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03. The applicant has minimized wetlands impacts and has proposed restoration of the temporary impact areas to pre-construction conditions, with the exception of the wetland crossing retained for recreational access.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. On August 10, 2019, Kenneth Kimball of the Jackson Ski Touring Foundation's Trail Committee contacted NHDES regarding amending the permit granted for the waterline installation to retain a previously temporary wetland crossing, which could be used to link the Wentworth Golf Course trails to the Red Fox Restaurant.
6. On September 10, 2019, the Jackson Water Precinct requested an amendment to Permit 2018-01389 to retain a temporary wetland crossing as a permanent crossing, to be used as a link between the Wentworth Golf Course trails and the Red Fox Restaurant.

2019-03186

MILLIGAN, JERRY

**GILFORD LAKE WINNIPESAUKEE**

Requested Action:

Impact 4,721 square feet of bank along 43 linear feet of shoreline to construct a 33 foot x 24 foot perched beach and restore 4,744 square feet of protected shoreland on an average of 216 linear feet of shoreline frontage along Lake Winnepesaukee in Gilford.

\*\*\*\*\*

**APPROVE PERMIT**

Impact 4,721 square feet of bank along 43 linear feet of shoreline to construct a 33 foot x 24 foot perched beach and restore 4,744 square feet of protected shoreland on an average of 216 linear feet of shoreline frontage along Lake Winnepesaukee in Gilford.

With Conditions:

1. All work shall be in accordance with revised plans by Belknap Landscape CO. INC., revision dated January 27, 2020 and received by the NH Department of Environmental Services (NHDES) on February 20, 2020.
2. Native vegetation within an area of at least 5,350 square feet within the Natural Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
3. All plantings in the Natural Woodland Buffer within the Woodland Buffer located between 50 and 150 feet landward of the reference elevation of Lake Winnepesaukee (Elevation 504.32) as shown on the approved plans shall be completed within 90 days of the completion of the proposed perched beach.
4. All plantings in the Waterfront Buffer located between the reference elevation of Lake Winnepesaukee (Elevation 504.32) and 50 feet landward as shown on the approved plans shall be completed within 90 days of the completion of the proposed perched beach.

5. Following the mandatory planting of 4,744 square feet of the woodland and waterfront buffer, the restored areas shall be allowed to revert back to a natural state. The regeneration of ground cover shall not be mowed, removed, nor shall the ground covers be suppressed by the use of bark mulch or other man-made materials. Native vegetation within an area of at least 5,350 SF within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall then be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. The plantings shall be inspected at the beginning and end of the growing season for a period of 2 years after initial plantings have been completed during which time any failed plantings shall immediately be replaced by the owner of the property.
7. At the completion of the 2 year monitoring period the owner of the property shall submit a report including photographs of the planted buffers to the Department.
8. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.
9. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
10. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
12. All excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
13. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Stone placed along the beach front for the purpose of retaining sand shall be placed above and landward of those rocks currently located along the normal high water line (Elevation 504.32). The rocks existing at the normal high water line shall remain undisturbed such that the natural shoreline remains visible and intact.
15. The steps installed in the area for access to the water shall be located completely landward and above the normal high water line.
16. No more than 10 cubic yards of sand shall be used and all sand shall be located above the normal high water line.
17. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.
19. A combination of trees, shrubs and ground covers representing the density and species diversity of the vegetation present prior to construction shall be replanted beginning at a distance no greater than 5 feet landward from the beach area.
20. This permit shall not preclude NHDES from initiating appropriate action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by or on behalf of the permittee were not previously permitted or grandfathered.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), for the construction of a beach completely above the high water line for a privately-owned single family residence.
2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse

impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

4. This application was filed and deemed complete prior to December 15, 2019, and therefore, was reviewed for compliance with Administrative Rules Chapters Env-Wt 100 - 900 in effect on the date of filing.

#### **X-LAKES-SEASONAL DOCK NOTIFICATION**

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**2020-00013**

**JORDAN, BENJAMIN**

#### **GOSHEN RAND POND**

##### **Requested Action:**

Install a seasonal pier not to exceed 6 foot x 25 foot on frontage along Rand Pond in Goshen.

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##### **COMPLETE NOTIFICATION**

Install a seasonal pier not to exceed 6 foot x 25 foot on frontage along Rand Pond in Goshen.

**2020-00113**

**WOITKIEWICZ, WILLIAM**

#### **LACONIA LAKE WINNIPESAUKEE**

##### **Requested Action:**

Install a seasonal pier not to exceed 4 foot x 40 foot on frontage along Lake Winnepesaukee in Laconia.

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##### **COMPLETE NOTIFICATION**

Install a seasonal pier not to exceed 4 foot x 40 foot on frontage along Lake Winnepesaukee in Laconia.

**2020-00285**

**ELLIS, TODD**

#### **OSSIPEE OSSIPEE LAKE**

##### **Requested Action:**

Install a seasonal pier not to exceed 6 foot x 40 foot on frontage along Ossipee Lake in Ossipee.

\*\*\*\*\*



## COMPLETE NOTIFICATION

Install a seasonal pier not to exceed 6 foot x 40 foot on frontage along Ossipee Lake in Ossipee.

## SHORELAND STANDARD

\*\*\*\*\*

2016-03330

WOOD, JACQUELINE

### FITZWILLIAM LAUREL LAKE

#### Requested Action:

Impact 2,832 sq. ft. of protected shoreland in order to raze two primary structures, construct a more nearly conforming primary structure, a parking area, drywell, and septic system, and conduct grading, replanting, and landscaping.

\*\*\*\*\*

#### APPROVE AMENDMENT

Impact 2,832 sq. ft. of protected shoreland in order to raze two primary structures, construct a more nearly conforming primary structure, a parking area, drywell, and septic system, and conduct grading, replanting, and landscaping.

#### With Conditions:

1. All work shall be in accordance with amended plans by Graz Engineering, LLC revised January 14, 2020 and received by the NH Department of Environmental Services (DES) on January 30, 2020.
2. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. All portions of the proposed residential primary structure shall be located landward of the reference line.
5. No more than 46.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The proposed drywell and infiltration bed shall be installed and maintained to effectively absorb and infiltrate stormwater.
11. Photographs documenting the construction of the proposed drywell and infiltration bed shall be submitted to the Department prior to any party taking up occupancy of the new residential primary structure.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. This permit does not authorize any impact within wetlands jurisdiction including surface waters and their banks. The owner is responsible for obtaining any Wetland Impact Permit that may be required under RSA 482-A prior to construction, excavation or fill within Wetlands jurisdiction.
15. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. Revised storm water plan submitted 9/10/2019 to account for additional pervious surface constructed.
2. As-built plan submitted 1/30/20 documenting additional reduction in impervious surface cover from 56% to 46.5% on the property.

2017-02702

MEZZANOTTE, MARK/KRISTA

**MOULTONBOROUGH LAKE WINNIPESAUKEE**

Requested Action:

Impact 2,696 square feet of the protected shoreland in order to replace garage with addition to primary structure, and associated grading and landscaping activities. Plans revised for the reduction of 240 square feet for the proposed addition.

\*\*\*\*\*

Conservation Commission/Staff Comments:

9/14/17 Abutter letters received.

APPROVE AMENDMENT

Impact 2,696 square feet of the protected shoreland in order to replace garage with addition to primary structure, and associated grading and landscaping activities. Plans revised for the reduction of 240 square feet for the proposed addition.

With Conditions:

1. All work shall be in accordance with plans by Nancy Ramsdell dated August 24, 2017, revised by Mark Mezzanotte dated February 2020 and received by the NH Department of Environmental Services (NHDES) on February 21, 2020.
2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
3. No more than 14.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
4. Native vegetation within an area of at least 2,502 square feet. within the Natural Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire

Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

11. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.

12. This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2019-01504

JT & SC TENN REV TRUSTS 2004

#### DEERFIELD PLEASANT LAKE

##### Requested Action:

Impact 10,542 square feet of protected shoreland in order to remove the existing primary structure, construct a new primary structure, add a path to the existing deck, conduct grading landward of the primary building setback, and install a septic system and a well.

\*\*\*\*\*

##### APPROVE AMENDMENT

Impact 10,542 square feet of protected shoreland in order to remove the existing primary structure, construct a new primary structure, add a path to the existing deck, conduct grading landward of the primary building setback, and install a septic system and a well.

##### With Conditions:

1. All work shall be in accordance with revised plans by Farwell Engineering Services, LLC, dated February 13, 2020, and received by the NH Department of Environmental Services (NHDES) on February 14, 2020.
2. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the NHDES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 17% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
5. Native vegetation within an area of at least 2,544 square feet within the Woodland Buffer located between 50 and 150 ft. landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.

9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

12. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.

13. This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2019-03123

KING, LORI

#### MEREDITH LAKE WINNIPESAUKEE

##### Requested Action:

Impact 9,200 square feet of protected shoreland in order to replace the existing nonconforming residence with a new residence located 2.5 feet further from the shoreline. Replace part of a driveway with permeable paver's, construct a permeable walkway and patio.

Temporary Waiver Granted: Temporarily reduce the area of the Woodland Buffer in which vegetation remains in an unaltered state below that required per RSA 483-B:9, V, (b) for the purposes of constructing a more nearly conforming primary structure. Post-construction restoration planting required.

\*\*\*\*\*

##### APPROVE AMENDMENT

Impact 9,200 square feet of protected shoreland in order to replace the existing nonconforming residence with a new residence located 2.5 feet further from the shoreline. Replace part of a driveway with permeable paver's, construct a permeable walkway and patio.

Temporary Waiver Granted: Temporarily reduce the area of the Woodland Buffer in which vegetation remains in an unaltered state below that required per RSA 483-B:9, V, (b) for the purposes of constructing a more nearly conforming primary structure. Post-construction restoration planting required.

##### With Conditions:

1. All work shall be in accordance with revised plans by Ames Associates dated February 10, 2020 and received by the NH Department of Environmental Services (DES) on February 19, 2020.
2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
3. No more than 20.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

4. The Permittee shall have replanted and restored native vegetation within an area of at least 1,585 square feet within the Natural Woodland Buffer located between 50 and 150 feet landward of the reference line. This vegetation shall then be retained in an unaltered state in order to comply with RSA 483-B:9, V(b)(2).
5. Following planting, the restored Woodland Buffer areas shall be allowed to revert back to a natural state. The regeneration of ground cover shall not be suppressed by the use of bark mulch or other man-made materials. Native vegetation within an area of at least 2,816 square feet within the Natural Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. The Permittee is responsible for submitting monitoring reports and photos of restored areas to the DES Wetlands Bureau at six (6) months following completion of plantings and then annually for a duration of three (3) years in order to document compliance with the restoration plan.
7. The Permittee is responsible for replacing all failed plantings in order to maintain compliance with the restoration plan.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2020-00022

ROYCE ENTERPRISES LLC

**SUNAPEE SUNAPEE LAKE**

**Requested Action:**

Impact 6,098 square feet of protected shoreland in order to remove the primary commercial structure to construct a primary commercial structure, install driveway, a parking area, a walkway, and a patio.

\*\*\*\*\*

**APPROVE PERMIT**

Impact 6,098 square feet of protected shoreland in order to remove the primary commercial structure to construct a primary commercial structure, install driveway, a parking area, a walkway, and a patio.

**With Conditions:**

1. All work shall be in accordance with plans by Travis Royce dated December 27, 2019 and revised on February 18, 2020

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as received by the NH Department of Environmental Services (NHDES) on February 21, 2020.

2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
3. No more than 38% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
4. Native vegetation shall be planted according to the planting plan and then retained in an unaltered state within the area of at least 546 square feet within the Woodland Buffer located between 50 and 150 feet landward of the reference line in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.
13. This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2020-00140

GREGG LAKE CAMPS LLC

**ANTRIM GREGG LAKE**

Requested Action:

Applicant requests an after-the-fact approval to retain impacts to 1,450 square feet of protected shoreland in order to replace 4 tent platforms with 4 sleeping cabins and associated buried electrical connections.

\*\*\*\*\*

**APPROVE AFTER THE FACT**

Retain impacts to 1,450 square feet of protected shoreland in order to replace 4 tent platforms with 4 sleeping cabins and associated buried electrical connections.

With Conditions:

1. All work shall be in accordance with plans by Fieldstone Land Consultants, PLLC dated December 31, 2019 and received by the NH Department of Environmental Services (NHDES) on January 27, 2020.
2. No more than 2.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
3. Native vegetation within an area of at least 125,000 square feet within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.
5. This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2020-00152

**SUN COMMUNITIES**

**NASHUA NASHUA RIVER**

Requested Action:

Impact 2,750 square feet of protected shoreland in order to replace a primary structure with a sun room with a primary structure with a deck and install a septic system.

\*\*\*\*\*

APPROVE PERMIT

Impact 2,750 square feet of protected shoreland in order to replace a primary structure with a sun room with a primary structure with a deck and install a septic system.

With Conditions:

1. All work shall be in accordance with plans by M. J. Grainger Engineering, Inc. dated September 26, 2019 and received by the NH Department of Environmental Services (NHDES) on January 29, 2020.
2. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the NHDES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 19.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics

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of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.

8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

10. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

11. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.

12. This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2020-00158

FARRIS, JOSEPH

#### PELHAM LONG POND

##### Requested Action:

Applicant requests an after-the-fact approval to retain impacts to 140 square feet of protected shoreland in order to construct an addition onto the primary structure.

\*\*\*\*\*

##### APPROVE AFTER THE FACT

Retain impacts to 140 square feet of protected shoreland in order to construct an addition onto the primary structure.

##### With Conditions:

1. All work shall be in accordance with plans received by the NH Department of Environmental Services (NHDES) on January 30, 2020.

2. No more than 20.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.

3. Native vegetation within an area of at least 180 square feet within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

4. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.



5. This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2020-00169

**SCHERMERHORN FAMILY REALTY TRUST**

**MADISON SILVER LAKE**

Requested Action:

Impact 3,509 square feet of protected shoreland in order to remove a shed to construct a detached garage.

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**APPROVE PERMIT**

Impact 3,509 square feet of protected shoreland in order to remove a shed to construct a detached garage.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains Associates, Inc. dated January 20, 2020 and received by the NH Department of Environmental Services (NHDES) on February 3, 2020.
2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
3. No more than 11.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
4. Native vegetation within an area of at least 10,276 square feet within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-WVq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-WVt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within

Wetlands jurisdiction.

12. This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2020-00171

HOLLEMAN, CHAD/HEATHER

**DOVER BELLAMY RIVER**

**Requested Action:**

Impact 1,510 square feet of protected shoreland in order to construct a deck on the proposed residential structure within a tidal buffer area.

\*\*\*\*\*

**APPROVE PERMIT**

Impact 1,510 square feet of protected shoreland in order to construct a deck on the proposed residential structure within a tidal buffer area.

**With Conditions:**

1. All work shall be in accordance with plans by Ambit Engineering Inc. dated December 2019 and received by the NH Department of Environmental Services (DES) on January 31, 2020.
2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
3. No more than 23.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

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2020-00172

AVERA, BENJAMIN SCOTT/DIANE

## STODDARD HIGHLAND LAKE

### Requested Action:

Impact 2,491 square feet of protected shoreland in order to remove an existing 280 square foot shed and 1,154 square feet of gravel drive and replace with a 748 square foot garage.

\*\*\*\*\*

### APPROVE PERMIT

Impact 2,491 square feet of protected shoreland in order to remove an existing 280 square foot shed and 1,154 square feet of gravel drive and replace with a 748 square foot garage.

### With Conditions:

1. All work shall be in accordance with plans by Forest Designs dated January 9, 2020 and received by the NH Department of Environmental Services (DES) on January 31, 2020.
2. No more than 29% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2020-00194

FILION, SCOTT & KASEY

## BARRINGTON AYER'S POND

### Requested Action:

Impact 17,455 square feet of protected shoreland in order to construct a 3 bedroom primary structure with a 1 bedroom studio apartment, improve existing driveway, install a septic system and well.

\*\*\*\*\*

**APPROVE AMENDMENT**

Impact 17,455 square feet of protected shoreland in order to construct a 3 bedroom primary structure with a 1 bedroom studio apartment, improve existing driveway, install a septic system and well.

**With Conditions:**

1. All work shall be in accordance with plans by Round Pond Soil Survey dated January 30, 2020 and received by the NH Department of Environmental Services (DES) on February 4, 2020.
2. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 9.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Native vegetation within an area of at least 6,625 square feet within the Natural Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2020-00197**

**CHAFE, ERIC/JENNIFER**

**BRISTOL PEMIGEWASSET RIVER**

**Requested Action:**

Impact 8,096 square feet of protected shoreland to remove the primary structure with attached garage and a porch to construct a primary structure with attached garage and porch, modify the driveway, and install a septic system.

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#### APPROVE PERMIT

Impact 8,096 square feet of protected shoreland to remove the primary structure with attached garage and a porch to construct a primary structure with attached garage and porch, modify the driveway, and install a septic system.

##### With Conditions:

1. All work shall be in accordance with plans by B. A. Barnard Enterprises, Inc. dated January 2020 and received by the NH Department of Environmental Services (NHDES) on February 7, 2020.
2. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the NHDES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 6.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
5. Native vegetation within an area of at least 8,383 square feet within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.
13. This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

##### With Findings:

1. The Pemigewasset River Local Advisory Committee has submitted written concerns to the file in which they maintain that the bank of the Pemigewasset River at this location is erodible in should be stabilized.
2. The NHDES lacks the authority to require the applicant to conduct bank stabilization activities as a prerequisite to the proposed replacement on the existing primary structure.

2020-00199

SEVERANCE, GLENN

**NEW IPSWICH PRATT POND**

**Requested Action:**

Impact 2,626 square feet of protected shoreland in order to replace existing primary structure and replace septic tank from a pump to gravity.

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**APPROVE PERMIT**

Impact 2,626 square feet of protected shoreland in order to replace existing primary structure and replace septic tank from a pump to gravity.

**With Conditions:**

1. All work shall be in accordance with plans by Monadnock Septic Design LLC dated January 21, 2020 and received by the NH Department of Environmental Services (DES) on February 5, 2020.
2. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 10.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Native vegetation within an area of at least 539 square feet within the Natural Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2020-00203

KAUFMAN REVOCABLE TRUST

**NORTHWOOD NORTHWOOD LAKE**

Requested Action:

Impact 1,500 square feet of protected shoreland in order to raze existing primary structure and rebuild a new 4 bedroom structure with an within the existing footprint with an attached garage, install a septic system and well.

\*\*\*\*\*

APPROVE PERMIT

Impact 1,500 square feet of protected shoreland in order to raze existing primary structure and rebuild a new 4 bedroom structure with an within the existing footprint with an attached garage, install a septic system and well.

With Conditions:

1. All work shall be in accordance with plans by Robert Ouellet and received by the NH Department of Environmental Services (DES) on February 6, 2020.
2. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 18% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Native vegetation within an area of at least 1,563 within the Natural Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B.9, V, (b), (2).
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2020-00224

CORMIER, JOSEPH/PAMELA

MEREDITH PEMIGEWASSET LAKE

Requested Action:

Impact 8,830 square feet of protected shoreland in order to demolish an existing primary structure and garage, rebuild a new 3 bedroom structure further from the reference line and construct a detached garage.

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#### APPROVE PERMIT

Impact 8,830 square feet of protected shoreland in order to demolish an existing primary structure and garage, rebuild a new 3 bedroom structure further from the reference line and construct a detached garage.

#### With Conditions:

1. All work shall be in accordance with plans by Joseph & Pamela Cormier and received by the NH Department of Environmental Services (DES) on February 10, 2020.
2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
3. No more than 33.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Native vegetation within an area of at least 1,271 square feet within the Natural Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2020-00230

GILSENBERG, LEONARD/MARGARET

#### MEREDITH WAUKEWAN LAKE

#### Requested Action:

Impact 3,585 square feet of protected shoreland in order to add an addition to the existing primary structure, enlarge the garage and connect to house, add a deck, modify the existing driveway and parking area.

\*\*\*\*\*

#### APPROVE PERMIT

Impact 3,585 square feet of protected shoreland in order to add an addition to the existing primary structure, enlarge the garage and connect to house, add a deck, modify the existing driveway and parking area.



With Conditions:

1. All work shall be in accordance with plans by WM Evans Engineering, LLC dated February 1, 2020 and received by the NH Department of Environmental Services (DES) on February 11, 2019.
2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
3. No more than 10.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Native vegetation within an area of at least 5,842 square feet within the Natural Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2020-00249

SOUKUP, ELIZABETH/JASON

**GILFORD LAKE WINNIPESAUKEE**

Requested Action:

Impact 9,100 square feet of protected shoreland in order to construct a 2 bedroom primary structure within 50 feet of the reference line with associated improvements on a nonconforming legal lot of record.

Waiver Granted: The requirement to place a primary structure landward of the primary building per RSA 483-B:9 II (b), is waived based on lot #215 meets RSA-B:10, Nonconforming Lots of Record.

\*\*\*\*\*

**APPROVE PERMIT**

Impact 9,100 square feet of protected shoreland in order to construct a 2 bedroom primary structure within 50 feet of the reference line with associated improvements on a nonconforming legal lot of record.

Waiver Granted: The requirement to place a primary structure landward of the primary building per RSA 483-B:9 II (b), is waived based on lot #215 meets RSA-B:10, Nonconforming Lots of Record.

With Conditions:

1. All work shall be in accordance with plans by Fieldstone Land Consultants, PLLC dated January 21, 2020 and received by

the NH Department of Environmental Services (DES) on February 12, 2020.

2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
3. No more than 27.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Native vegetation within an area of at least 605 square feet within the Natural Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The proposed (stormwater management structures) shall be installed and maintained to effectively absorb and infiltrate stormwater.
10. Photographs documenting the construction of the proposed (stormwater management structures) shall be submitted to the Department prior to any party taking up occupancy of the new residential primary structure.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.
14. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. In accordance with RSA 483-B:9, V, (i) The commissioner shall have the authority to grant waivers from the minimum standards of this section. Such authority shall be exercised if the commissioner deems that strict compliance with the minimum standards of this section will provide no material benefit to the public and have no material adverse effect on the environment or the natural resources of the state.
2. This property, identified as Lot 215- on Gilford Tax Map 242, is located within the protected shorelands.
3. Pursuant to 483-B:9 (b) Primary structures shall be set back behind the primary building line which is 50 feet from the reference line.
4. The Applicant has a proposal to construct a 2 bedroom primary structure partially within the waterfront buffer.
5. By definition, the lot is a Nonconforming Lot of Record per RSA 483-B:4, XI-c, means an existing lot which does not conform to the provisions of this chapter.

6. The proposal the meets the requirement in RSA 483-B:10 Nonconforming Lots of Record.

7. The strict compliance with the minimum standards of RSA 483-B:9, V, II, (b) will not provide material benefit to the public and will have no material adverse effect on the environment or the natural resources of the state and therefore, the requirements for a waiver to RSA 483-B:9, V, (II), (b) have been met.

2020-00250

COLCORD, LAURA

### **SALISBURY TUCKER POND**

#### **Requested Action:**

Impact 12,997 square feet of protected shoreland in order to raze existing house and reconstruct a more new nearly conforming house and garage with a new septic system, and stormwater improvements.

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#### **APPROVE PERMIT**

Impact 12,997 square feet of protected shoreland in order to raze existing house and reconstruct a more new nearly conforming house and garage with a new septic system, and stormwater improvements.

#### **With Conditions:**

1. All work shall be in accordance with plans by Moser Engineering dated December 20, 2019 and received by the NH Department of Environmental Services (DES) on February 12, 2020.
2. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 13.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Native vegetation within an area of at least 7,393 square feet within the Natural Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The proposed (stormwater management structures) shall be installed and maintained to effectively absorb and infiltrate stormwater.
11. Photographs documenting the construction of the proposed (stormwater management structures) shall be submitted to the Department prior to any party taking up occupancy of the new residential primary structure.

12. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

13. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2020-00253

GLIDDEN, CYNTHIA/KENNETH

**SANBORNTON HERMIT LAKE**

**Requested Action:**

Impact 10,940 square feet of protected shoreland in order to remove an existing 1,075 square foot house with attached deck and construct a new 1,512 square feet two-story house with screen porch and attached deck. a 960 square foot detached garage. Project includes, reconfiguring the existing gravel driveway, install stairs and stepping stone path, construct a pervious patio and boulder retaining wall, and incorporate stormwater features.

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**APPROVE PERMIT**

Impact 10,940 square feet of protected shoreland in order to remove an existing 1,075 square foot house with attached deck and construct a new 1,512 square feet two-story house with screen porch and attached deck. a 960 square foot detached garage. Project includes, reconfiguring the existing gravel driveway, install stairs and stepping stone path, construct a pervious patio and boulder retaining wall, and incorporate stormwater features.

**With Conditions:**

1. All work shall be in accordance with plans by Terrain Planning & Design LLC dated October 29, and received by the NH Department of Environmental Services (DES) on February 12, 2020.
2. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 27.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Native vegetation within an area of at least 1,305 square feet within the Natural Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The proposed (stormwater management structures) shall be installed and maintained to effectively absorb and infiltrate

stormwater.

11. Photographs documenting the construction of the proposed (stormwater management structures) shall be submitted to the Department prior to any party taking up occupancy of the new residential primary structure.
12. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2020-00256

CARBONFUND.ORG FOUNDATION

**MOULTONBOROUGH KANASATKA LAKE**

**Requested Action:**

Impact 9,608 square feet of protected shoreland in order to construct two new primary structures (two cabins), expand/reconstruct another primary structure (the arts building), and modify the septic system.

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**APPROVE PERMIT**

Impact 9,608 square feet of protected shoreland in order to construct two new primary structures (two cabins), expand/reconstruct another primary structure (the arts building), and modify the septic system.

**With Conditions:**

1. All work shall be in accordance with plans by Hambrook Land Surveying, dated January 2020, and received by the NH Department of Environmental Services (NHDES) on February 13, 2020.
2. Neither the new primary structures nor the proposed modifications to the septic system may be constructed until the system is approved by the NHDES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
5. Native vegetation within an area of at least 27,302 square feet within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

02/24/2020 to 03/01/2020

8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.

9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

12. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.

13. This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

#### SEASONAL DOCK SPN

\*\*\*\*\*

2020-00186

WARREN, PETER

#### WOLFEBORO WENTWORTH LAKE

##### Requested Action:

Install a seasonal pier not to exceed 4 foot x 40 foot on frontage along Wentworth Lake in Wolfeboro.

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##### COMPLETE NOTIFICATION

Install a seasonal pier not to exceed 4 foot x 40 foot on frontage along Wentworth Lake in Wolfeboro.

2020-00297

HOCHGRAF, KENNETH

#### BARRINGTON MENDUMS POND

##### Requested Action:

Disqualification of the seasonal dock notification.

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DISQUALIFY TRAIL/FORESTRY/DOCK NOTIFICTN  
Disqualification of the seasonal dock notification.

2020-00314                      LOWES, KAREN  
   MAGUIRE, RYAN  
**WAKEFIELD   BELLEAU LAKE**

Requested Action:

Install a seasonal pier not to exceed 6 foot x 30 foot on frontage along Belleau Lake in Wakefield.

\*\*\*\*\*

COMPLETE NOTIFICATION

Install a seasonal pier not to exceed 6 foot x 30 foot on frontage along Belleau Lake in Wakefield.

**FORESTRY SPN**

\*\*\*\*\*

2020-00311                      SCHWAEGLER, SARAH

**ORFORD   Unnamed Stream**

\*\*\*\*\*

COMPLETE NOTIFICATION

ORFORD; TAX MAP(S)# 8/7; LOT(S)# 4F/9, 9A, 9B, 9C; BLOCK(S)# 29/32

2020-00354                      WHITE, MARCIA

**ALSTEAD   Unnamed Stream**

\*\*\*\*\*

COMPLETE NOTIFICATION

ALSTEAD; TAX MAP# 31; LOT# 6B

**TRAILS SPN**

\*\*\*\*\*

02/24/2020 to 03/01/2020

2020-00361

TOWN OF MASON

MASON Unnamed Stream

\*\*\*\*\*

COMPLETE NOTIFICATION

Replace wooden bridge with a bottomless culvert.

UTILITY SPN

\*\*\*\*\*

2020-00319

NEW ENGLAND POWER COMPANY, DBA NATIONAL GRID

DUNBARTON Unnamed Stream

\*\*\*\*\*

COMPLETE NOTIFICATION

Replace one Utility structure and conduct overhead hardware/aerial line work on two additional structures.

2020-00358

PSNH D/B/A EVERSOURCE ENERGY CORP

GOFFSTOWN Unnamed Stream

\*\*\*\*\*

COMPLETE NOTIFICATION

Replace one utility line structure.

RR1: CULVERT REPLACEMENT OR REPAIR

\*\*\*\*\*

2020-00310

SCHUTT, BRIAN

NEWMARKET Unnamed Stream

\*\*\*\*\*

COMPLETE REGISTRATION

In-kind replacement of a 24" diameter culvert.



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**SMALL MOTOR MINERAL DREDGE**

\*\*\*\*\*

**2020-00308**

**BELO, DAVID**

**(ALL TOWNS) Unnamed Stream**

\*\*\*\*\*

COMPLETE NOTIFICATION  
WILD AMMONOOSUC RD, BATH, WILD AMMONOOSUC RIVER

**2020-00309**

**CLARK, JOHN**

**(ALL TOWNS) Unnamed Stream**

\*\*\*\*\*

COMPLETE NOTIFICATION  
RTE 112, BATH, WILD AMMONOOSUC RIVER

**2020-00341**

**GIBSON, MATTHEW**

**(ALL TOWNS) Unnamed Stream**

\*\*\*\*\*

COMPLETE NOTIFICATION  
Small Motor Mineral Dredge

**2020-00346**

**KENT, BRIAN**

**(ALL TOWNS) Unnamed Stream**

\*\*\*\*\*

COMPLETE NOTIFICATION  
Small Motor Mineral Dredge

**WETLAND PBN**

\*\*\*\*\*

**2020-00023**

**YIM, KAREN**

**NEWBURY CHALK POND**

**Requested Action:**

Install a 4 foot x 24 foot seasonal pier on 66 linear feet of shoreline frontage along Chalk Pond in Newbury.

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**PBN IS COMPLETE**

Install a 4 foot x 24 foot seasonal pier on 66 linear feet of shoreline frontage along Chalk Pond in Newbury.

**With Conditions:**

1. All work shall be in accordance with plans received by the NH Department of Environmental Services (NHDES) on February 19, 2020.
2. In accordance with RSA 482-A:3, VI, this permit is not valid and effective until it has been recorded with the appropriate county Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the NHDES Wetlands Program by certified mail, return receipt requested.
3. Only those structures shown on the approved plans shall be installed or constructed along this frontage. In accordance with Env-Wt 513.10(a), all portions of the docking structures shall be at least 20 feet from the abutting property lines or the imaginary extension of those lines over the surface water.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
5. Work authorized shall be carried out such that there are no discharges in or to spawning or nursery areas during spawning seasons. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.
6. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
7. Only those structures shown on the approved plans shall be installed or constructed along this frontage.
8. All seasonal structures shall be removed for the non-boating season.
9. Any subdivision of the property frontage will require removal of a sufficient portion of the docking structures to comply with the dock size and density requirements in effect at the time of the subdivision.
10. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.
11. This permit shall not preclude NHDES from initiating appropriate action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by or on behalf of the permittee were not previously permitted or grandfathered.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 513.24(a)(1), for the construction of a seasonal pier.

2020-00154

KATHLEEN J BOSELLI REVOCABLE TRUST

GILFORD LAKE WINNIPESAUKEE

Requested Action:

Repair an existing 42 foot 8 inch breakwater, 7 foot x 48 foot and 8 foot x 42 foot 8 inch pile supported walkway connected to an 18 foot 5 inch by 18 foot 10 inch piling pier, in kind, and install a single seasonal boatlift and two seasonal personal watercraft lifts on 895 feet of frontage along Lake Winnepesaukee in Gilford.

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PBN IS COMPLETE

Repair an existing 42 foot 8 inch breakwater, 7 foot x 48 foot and 8 foot x 42 foot 8 inch pile supported walkway connected to an 18 foot 5 inch by 18 foot 10 inch piling pier, in kind, and install a single seasonal boatlift and two seasonal personal watercraft lifts on 895 feet of frontage along Lake Winnepesaukee in Gilford.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated January 14, 2020 and received by the NH Department of Environmental Services (NHDES) on January 19, 2020, as required by Env-Wt 513.22(a).
2. In accordance with RSA 482-A:3, VI, this permit is not valid and effective until it has been recorded with the appropriate county Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the NHDES Wetlands Program by certified mail, return receipt requested.
3. In accordance with Env-Wt 513.22(c), if the permanent dock is not maintained so as to be usable for its intended purpose, the owner of the subject property shall remove the dock.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
5. Work authorized shall be carried out such that there are no discharges in or to spawning or nursery areas during spawning seasons. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.
6. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
7. Only those structures shown on the approved plans shall be installed or constructed along this frontage.
8. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season.
9. Any subdivision of the property frontage will require removal of a sufficient portion of the docking structures to comply with the dock size and density requirements in effect at the time of the subdivision.
10. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.
11. This permit shall not preclude NHDES from initiating appropriate action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by or on behalf of the permittee were not previously permitted or grandfathered.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 513.24(a)(2), for the repair or replacement of an existing legal docking structure..